



Rep. Kelly M. Cassidy

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10400HB5046ham001

LRB104 17659 RLC 36628 a

1 AMENDMENT TO HOUSE BILL 5046

2 AMENDMENT NO. _____. Amend House Bill 5046 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by
5 changing Section 19 as follows:

6 (225 ILCS 85/19) (from Ch. 111, par. 4139)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 19. Nothing contained in this Act shall be construed
9 to prohibit a pharmacist licensed in this State from filling
10 or refilling a valid prescription for prescription drugs which
11 is on file in a pharmacy licensed in any state and has been
12 transferred from one pharmacy to another by any means,
13 including by way of electronic data processing equipment upon
14 the following conditions and exceptions:

15 (1) Prior to dispensing pursuant to any such
16 prescription, the dispensing pharmacist shall:

1 (a) Advise the patient that the prescription on
2 file at such other pharmacy must be canceled before he
3 or she will be able to fill or refill it.

4 (b) Determine that the prescription is valid and
5 on file at such other pharmacy and that such
6 prescription may be filled or refilled, as requested,
7 in accordance with the prescriber's intent expressed
8 on such prescription.

9 (c) Notify the pharmacy where the prescription is
10 on file that the prescription must be canceled.

11 (d) Record in writing or electronically the
12 prescription order, the name of the pharmacy at which
13 the prescription was on file, the prescription number,
14 the name of the drug and the original amount
15 dispensed, the date of original dispensing, and the
16 number of remaining authorized refills.

17 (e) Obtain the consent of the prescriber to the
18 refilling of the prescription when the prescription,
19 in the professional judgment of the dispensing
20 pharmacist, so requires.

21 (2) Upon receipt of a request for prescription
22 information set forth in subparagraph (d) of paragraph (1)
23 of this Section, if the requested pharmacist is satisfied
24 in his professional judgment that such request is valid
25 and legal, the requested pharmacist shall:

26 (a) Provide such information accurately and

1 completely.

2 (b) Record electronically or, if in writing, on
3 the face of the prescription, the name of the
4 requesting pharmacy and pharmacist and the date of
5 request.

6 (c) Cancel the prescription on file by writing the
7 word "void" on its face or the electronic equivalent,
8 if not in written format. No further prescription
9 information shall be given or medication dispensed
10 pursuant to such original prescription.

11 (3) In the event that, after the information set forth
12 in subparagraph (d) of paragraph (1) of this Section has
13 been provided, a prescription is not dispensed by the
14 requesting pharmacist, then such pharmacist shall provide
15 notice of this fact to the pharmacy from which such
16 information was obtained; such notice shall then cancel
17 the prescription in the same manner as set forth in
18 subparagraph (c) of paragraph (2) of this Section.

19 (4) When filling or refilling a valid prescription on
20 file in another state, the dispensing pharmacist shall be
21 required to follow all the requirements of Illinois law
22 which apply to the dispensing of prescription drugs. If
23 anything in Illinois law prevents the filling or refilling
24 of the original prescription it shall be unlawful to
25 dispense pursuant to this Section.

26 (5) Prescriptions for drugs in Schedules II, III, IV,

1 and V of the Illinois Controlled Substances Act may be
2 transferred only once and may not be further transferred,
3 consistent with 21 CFR 1306. However, pharmacies
4 electronically sharing a real-time, online database may
5 transfer up to the maximum refills permitted by the law
6 and the prescriber's authorization.

7 (Source: P.A. 100-497, eff. 9-8-17.)

8 Section 10. The Illinois Controlled Substances Act is
9 amended by changing Section 311.6 as follows:

10 (720 ILCS 570/311.6)

11 Sec. 311.6. Prescriptions for substance classified in
12 Schedule II, III, IV, or V sent electronically; exceptions.

13 (a) Notwithstanding any other provision of law, a
14 prescription for a substance classified in Schedule II, III,
15 IV, or V must be sent electronically, in accordance with
16 Section 316. Prescriptions sent in accordance with this
17 subsection (a) must be accepted by the dispenser in electronic
18 format.

19 (a-5) If a pharmacy is unable to fill an initial
20 prescription received electronically because the prescribed
21 drug is not in stock, the dispenser must attempt to contact the
22 patient to notify the patient of the situation and ask if the
23 patient would like the prescription transferred electronically
24 to a pharmacy of the patient's choosing, consistent with 21

1 CFR 1306. The dispenser must document the attempt to contact
2 the patient in the patient's record.

3 (b) Beginning on January 1, 2024 (the effective date of
4 Public Act 103-425) until December 31, 2028, notwithstanding
5 any other provision of this Section or any other provision of
6 law, a prescriber shall not be required to issue prescriptions
7 electronically if he or she certifies to the Department of
8 Financial and Professional Regulation that he or she will not
9 issue more than 150 prescriptions during a 12-month period.
10 Prescriptions in both oral and written form for controlled
11 substances shall be included in determining whether the
12 prescriber will reach the limit of 150 prescriptions.
13 Beginning January 1, 2029, notwithstanding any other provision
14 of this Section or any other provision of law, a prescriber
15 shall not be required to issue prescriptions electronically if
16 he or she certifies to the Department of Financial and
17 Professional Regulation that he or she will not issue more
18 than 50 prescriptions during a 12-month period. Prescriptions
19 in both oral and written form for controlled substances shall
20 be included in determining whether the prescriber will reach
21 the limit of 50 prescriptions.

22 (b-5) Notwithstanding any other provision of this Section
23 or any other provision of law, a prescriber shall not be
24 required to issue prescriptions electronically under the
25 following circumstances:

26 (1) prior to January 1, 2026, the prescriber

1 demonstrates financial difficulties in buying or managing
2 an electronic prescription option, whether it is an
3 electronic health record or some other electronic
4 prescribing product;

5 (2) on and after January 1, 2026, the prescriber
6 provides proof of a waiver from the Centers for Medicare
7 and Medicaid Services for the Electronic Prescribing for
8 Controlled Substances Program due to demonstrated economic
9 hardship for the previous compliance year;

10 (3) there is a temporary technological or electrical
11 failure that prevents an electronic prescription from
12 being issued;

13 (4) the prescription is for a drug that the
14 practitioner reasonably determines would be impractical
15 for the patient to obtain in a timely manner if prescribed
16 by an electronic data transmission prescription and the
17 delay would adversely impact the patient's medical
18 condition. This includes prescriptions that may need to be
19 filled outside of typical retail pharmacy operating hours
20 or that may be difficult to obtain because of drug
21 shortages or pharmacy inventory limitations;

22 (5) the prescription is for an individual who:

23 (A) resides in a nursing or assisted living
24 facility;

25 (B) is receiving hospice or palliative care;

26 (C) is receiving care at an outpatient renal

1 dialysis facility and the prescription is related to
2 the care provided;

3 (D) is receiving care through the United States
4 Department of Veterans Affairs; or

5 (E) is incarcerated in a state, detained, or
6 confined in a correctional facility;

7 (6) the prescription prescribes a drug under a
8 research protocol;

9 (7) the prescription is a non-patient specific
10 prescription dispensed under a standing order, approved
11 protocol for drug therapy, collaborative drug management,
12 or comprehensive medication management, or in response to
13 a public health emergency or other circumstance in which
14 the practitioner may issue a non-patient specific
15 prescription;

16 (8) the prescription is issued when the prescriber and
17 dispenser are the same entity;

18 (9) the prescription is issued for a compound
19 prescription containing 2 or more compounds; or

20 (10) the prescription is issued by a licensed
21 veterinarian within 7 years after November 17, 2023 (the
22 effective date of Public Act 103-563).

23 (c) The Department of Financial and Professional
24 Regulation may adopt rules for the administration of this
25 Section to the requirements under this Section that the
26 Department of Financial and Professional Regulation may deem

1 appropriate.

2 (d) Any prescriber who makes a good faith effort to
3 prescribe electronically, but for reasons not within the
4 prescriber's control is unable to prescribe electronically,
5 may be exempt from any disciplinary action.

6 (e) Any pharmacist who dispenses in good faith based upon
7 a valid prescription that is not prescribed electronically may
8 be exempt from any disciplinary action. A pharmacist is not
9 required to ensure or responsible for ensuring the
10 prescriber's compliance under subsection (b), nor may any
11 other entity or organization require a pharmacist to ensure
12 the prescriber's compliance with that subsection. A pharmacist
13 may not refuse to fill a valid prescription solely because it
14 is not prescribed electronically.

15 (f) It shall be a violation of this Section for any
16 prescriber or dispenser to adopt a policy contrary to this
17 Section.

18 (g) A compliance action with respect to this Section
19 initiated by the Department of Financial and Professional
20 Regulation prior to December 31, 2030 is limited to a
21 non-disciplinary warning letter or citation, unless the
22 prescriber or dispenser fails to abide by the initial
23 non-disciplinary warning letter or citation, has acted in bad
24 faith, or a pattern of practice in violation of this Section
25 occurs.

26 (Source: P.A. 103-425, eff. 1-1-24; 103-563, eff. 11-17-23;

1 103-732, eff. 8-2-24; 104-424, eff. 8-15-25.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".