



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5046

Introduced 2/10/2026, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

225 ILCS 85/19

from Ch. 111, par. 4139

720 ILCS 570/311.6

Amends the Illinois Controlled Substances Act. Provides that, if a pharmacy is unable to fill an initial prescription received electronically because the prescribed drug is not in stock, the dispenser must immediately contact the patient to notify the patient of the situation and ask if the patient would like the prescription transferred electronically to a pharmacy of the patient's choosing, consistent with federal regulations concerning the prescribing of controlled substances. Provides that the prescriber shall not be required to issue prescriptions electronically if the prescriptions need to be filled outside of typical retail pharmacy operating hours or may be difficult to obtain because of drug shortages or pharmacy inventory limitations. Amends the Pharmacy Practice Act to make conforming changes. Effective immediately.

LRB104 17659 RLC 31090 b

1 AN ACT concerning electronic prescriptions.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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7 (Section scheduled to be repealed on January 1, 2028)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

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

20 (b) Determine that the prescription is valid and
21 on file at such other pharmacy and that such
22 prescription may be filled or refilled, as requested,
23 in accordance with the prescriber's intent expressed

1 on such prescription.

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

4 (d) Record in writing or electronically the
5 prescription order, the name of the pharmacy at which
6 the prescription was on file, the prescription number,
7 the name of the drug and the original amount
8 dispensed, the date of original dispensing, and the
9 number of remaining authorized refills.

10 (e) Obtain the consent of the prescriber to the
11 refilling of the prescription when the prescription,
12 in the professional judgment of the dispensing
13 pharmacist, so requires.

14 (2) Upon receipt of a request for prescription
15 information set forth in subparagraph (d) of paragraph (1)
16 of this Section, if the requested pharmacist is satisfied
17 in his professional judgment that such request is valid
18 and legal, the requested pharmacist shall:

19 (a) Provide such information accurately and
20 completely.

21 (b) Record electronically or, if in writing, on
22 the face of the prescription, the name of the
23 requesting pharmacy and pharmacist and the date of
24 request.

25 (c) Cancel the prescription on file by writing the
26 word "void" on its face or the electronic equivalent,

1 if not in written format. No further prescription
2 information shall be given or medication dispensed
3 pursuant to such original prescription.

4 (3) In the event that, after the information set forth
5 in subparagraph (d) of paragraph (1) of this Section has
6 been provided, a prescription is not dispensed by the
7 requesting pharmacist, then such pharmacist shall provide
8 notice of this fact to the pharmacy from which such
9 information was obtained; such notice shall then cancel
10 the prescription in the same manner as set forth in
11 subparagraph (c) of paragraph (2) of this Section.

12 (4) When filling or refilling a valid prescription on
13 file in another state, the dispensing pharmacist shall be
14 required to follow all the requirements of Illinois law
15 which apply to the dispensing of prescription drugs. If
16 anything in Illinois law prevents the filling or refilling
17 of the original prescription it shall be unlawful to
18 dispense pursuant to this Section.

19 (5) Prescriptions for drugs in Schedules II, III, IV,
20 and V of the Illinois Controlled Substances Act may be
21 transferred only once and may not be further transferred,
22 consistent with 21 CFR 1306. However, pharmacies
23 electronically sharing a real-time, online database may
24 transfer up to the maximum refills permitted by the law
25 and the prescriber's authorization.

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

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

3 (720 ILCS 570/311.6)

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

6 (a) Notwithstanding any other provision of law, a
7 prescription for a substance classified in Schedule II, III,
8 IV, or V must be sent electronically, in accordance with
9 Section 316. Prescriptions sent in accordance with this
10 subsection (a) must be accepted by the dispenser in electronic
11 format.

12 (a-5) If a pharmacy is unable to fill an initial
13 prescription received electronically because the prescribed
14 drug is not in stock, the dispenser must immediately contact
15 the patient to notify the patient of the situation and ask if
16 the patient would like the prescription transferred
17 electronically to a pharmacy of the patient's choosing,
18 consistent with 21 CFR 1306.

19 (b) Beginning on January 1, 2024 (the effective date of
20 Public Act 103-425) until December 31, 2028, notwithstanding
21 any other provision of this Section or any other provision of
22 law, a prescriber shall not be required to issue prescriptions
23 electronically if he or she certifies to the Department of
24 Financial and Professional Regulation that he or she will not

1 issue more than 150 prescriptions during a 12-month period.
2 Prescriptions in both oral and written form for controlled
3 substances shall be included in determining whether the
4 prescriber will reach the limit of 150 prescriptions.
5 Beginning January 1, 2029, notwithstanding any other provision
6 of this Section or any other provision of law, a prescriber
7 shall not be required to issue prescriptions electronically if
8 he or she certifies to the Department of Financial and
9 Professional Regulation that he or she will not issue more
10 than 50 prescriptions during a 12-month period. Prescriptions
11 in both oral and written form for controlled substances shall
12 be included in determining whether the prescriber will reach
13 the limit of 50 prescriptions.

14 (b-5) Notwithstanding any other provision of this Section
15 or any other provision of law, a prescriber shall not be
16 required to issue prescriptions electronically under the
17 following circumstances:

18 (1) prior to January 1, 2026, the prescriber
19 demonstrates financial difficulties in buying or managing
20 an electronic prescription option, whether it is an
21 electronic health record or some other electronic
22 prescribing product;

23 (2) on and after January 1, 2026, the prescriber
24 provides proof of a waiver from the Centers for Medicare
25 and Medicaid Services for the Electronic Prescribing for
26 Controlled Substances Program due to demonstrated economic

1 hardship for the previous compliance year;

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

5 (4) the prescription is for a drug that the
6 practitioner reasonably determines would be impractical
7 for the patient to obtain in a timely manner if prescribed
8 by an electronic data transmission prescription and the
9 delay would adversely impact the patient's medical
10 condition. This includes prescriptions that may need to be
11 filled outside of typical retail pharmacy operating hours
12 or that may be difficult to obtain because of drug
13 shortages or pharmacy inventory limitations;

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

15 (A) resides in a nursing or assisted living
16 facility;

17 (B) is receiving hospice or palliative care;

18 (C) is receiving care at an outpatient renal
19 dialysis facility and the prescription is related to
20 the care provided;

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

23 (E) is incarcerated in a state, detained, or
24 confined in a correctional facility;

25 (6) the prescription prescribes a drug under a
26 research protocol;

1 (7) the prescription is a non-patient specific
2 prescription dispensed under a standing order, approved
3 protocol for drug therapy, collaborative drug management,
4 or comprehensive medication management, or in response to
5 a public health emergency or other circumstance in which
6 the practitioner may issue a non-patient specific
7 prescription;

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

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

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

15 (c) The Department of Financial and Professional
16 Regulation may adopt rules for the administration of this
17 Section to the requirements under this Section that the
18 Department of Financial and Professional Regulation may deem
19 appropriate.

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

24 (e) Any pharmacist who dispenses in good faith based upon
25 a valid prescription that is not prescribed electronically may
26 be exempt from any disciplinary action. A pharmacist is not

1 required to ensure or responsible for ensuring the
2 prescriber's compliance under subsection (b), nor may any
3 other entity or organization require a pharmacist to ensure
4 the prescriber's compliance with that subsection. A pharmacist
5 may not refuse to fill a valid prescription solely because it
6 is not prescribed electronically.

7 (f) It shall be a violation of this Section for any
8 prescriber or dispenser to adopt a policy contrary to this
9 Section.

10 (g) A compliance action with respect to this Section
11 initiated by the Department of Financial and Professional
12 Regulation prior to December 31, 2030 is limited to a
13 non-disciplinary warning letter or citation, unless the
14 prescriber or dispenser fails to abide by the initial
15 non-disciplinary warning letter or citation, has acted in bad
16 faith, or a pattern of practice in violation of this Section
17 occurs.

18 (Source: P.A. 103-425, eff. 1-1-24; 103-563, eff. 11-17-23;
19 103-732, eff. 8-2-24; 104-424, eff. 8-15-25.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.