

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 314.5 as follows:

6 (720 ILCS 570/314.5)

7 Sec. 314.5. Medication shopping; pharmacy shopping.

8 (a) It shall be unlawful for any person knowingly or
9 intentionally to fraudulently obtain or fraudulently seek to
10 obtain any controlled substance or prescription for a
11 controlled substance from a prescriber or dispenser while
12 being supplied with any controlled substance or prescription
13 for a controlled substance by another prescriber or dispenser,
14 without disclosing the fact of the existing controlled
15 substance or prescription for a controlled substance to the
16 prescriber or dispenser from whom the subsequent controlled
17 substance or prescription for a controlled substance is
18 sought.

19 (b) It shall be unlawful for a person knowingly or
20 intentionally to fraudulently obtain or fraudulently seek to
21 obtain any controlled substance from a pharmacy while being
22 supplied with any controlled substance by another pharmacy,
23 without disclosing the fact of the existing controlled

1 substance to the pharmacy from which the subsequent controlled
2 substance is sought.

3 (c) A person may be in violation of Section 3.23 of the
4 Illinois Food, Drug and Cosmetic Act or Section 406 of this Act
5 when medication shopping or pharmacy shopping, or both.

6 (c-5) Each ~~Effective January 1, 2018, each~~ prescriber
7 possessing an Illinois controlled substances license shall
8 register with the Prescription Monitoring Program. A
9 prescriber is not subject to criminal liability or
10 professional discipline for failure to register with the
11 Prescription Monitoring Program due to technological or
12 electrical failures or operational issues that prevent
13 registration. Notwithstanding any provision of this Act to the
14 contrary, beginning on and after the effective date of this
15 amendatory Act of the 101st General Assembly, a licensed
16 veterinarian shall be exempt from registration and prohibited
17 from accessing patient information in the Prescription
18 Monitoring Program. Licensed veterinarians that are existing
19 registrants shall be removed from the Prescription Monitoring
20 Program. Each prescriber or the prescriber's ~~his or her~~
21 designee shall also document an attempt to access patient
22 information in the Prescription Monitoring Program to assess
23 patient access to controlled substances when providing an
24 initial prescription for any stimulant substances listed in
25 Schedule II and all prescriptions ~~an initial prescription~~ for
26 Schedule II opioids and Schedule IV benzodiazepine, ~~narcotics~~

1 ~~such as opioids,~~ except for prescriptions for oncology
2 treatment or palliative care, or a 7-day or less supply
3 provided by a hospital emergency department when treating a ~~an~~
4 ~~acute, traumatic~~ medical condition. This attempt to access
5 shall be documented in the patient's medical record. The
6 hospital shall facilitate the designation of a prescriber's
7 designee for the purpose of accessing the Prescription
8 Monitoring Program for services provided at the hospital.

9 (d) When a person has been identified as having 5 or more
10 prescribers or 5 or more pharmacies, or both, that do not
11 utilize a common electronic file as specified in Section 20 of
12 the Pharmacy Practice Act for controlled substances within the
13 course of a 6-month period, the Prescription Monitoring
14 Program may issue an unsolicited report to the prescribers,
15 dispensers, and their designees informing them of the
16 potential medication shopping. If an unsolicited report is
17 issued to a prescriber or prescribers, then the report must
18 also be sent to the applicable dispensing pharmacy.

19 (e) Nothing in this Section shall be construed to create a
20 requirement that any prescriber, dispenser, or pharmacist
21 request any patient medication disclosure, report any patient
22 activity, or prescribe or refuse to prescribe or dispense any
23 medications.

24 (f) This Section shall not be construed to apply to
25 inpatients or residents at hospitals or other institutions or
26 to institutional pharmacies.

1 (g) Any patient feedback, including grades, ratings, or
2 written or verbal statements, in opposition to a clinical
3 decision that the prescription of a controlled substance is
4 not medically necessary shall not be the basis of any adverse
5 action, evaluation, or any other type of negative
6 credentialing, contracting, licensure, or employment action
7 taken against a prescriber or dispenser.

8 (Source: P.A. 101-414, eff. 8-16-19; 102-527, eff. 8-20-21.)