



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1907

Introduced 2/6/2025, by Sen. Mike Simmons

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7.5

Creates the Access to Prescription Drugs Act. Provides that any State agency may enter into partnerships to increase competition, lower prices, and address shortages in the market for generic prescription drugs; to reduce the cost of prescription drugs for public and private purchasers, taxpayers, and consumers; and to increase patient access to affordable drugs. Requires the partnerships to result in the production or distribution of generic prescription drugs with the intent that these drugs be made widely available to public and private purchasers, providers and suppliers, and pharmacies. Provides that the State agency shall comply with specified requirements when entering into partnerships or setting prices for generic prescription drugs. Requires a State agency that elects to enter into a partnership under the Act to submit separate reports to the General Assembly that (1) assess the feasibility of directly manufacturing generic prescription drugs and selling generic prescription drugs at a fair price; and (2) describe the status of all drugs targeted under the Act and analyze how the activities of the State agency may impact competition, access to targeted drugs, the costs of those drugs, and the costs of generic prescription drugs to public and private purchasers. Contains other provisions. Amends the Freedom of Information Act to exempt certain information disclosed under Access to Prescription Drugs Act from inspection and copying under the Act. Contains a severability provision. Effective July 1, 2025.

LRB104 10724 BDA 20803 b

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the Access  
5 to Prescription Drugs Act.

6 Section 5. Definitions. In this Act:

7 "Department" means any State agency.

8 "Eligible prescription drug" means a prescription drug  
9 that is not under patent or a biological product, as defined in  
10 42 U.S.C. 262(i), that is not under patent.

11 "Generic prescription drug" means a drug that is approved  
12 pursuant to an application referencing an eligible  
13 prescription drug that is submitted under subsection (j) of  
14 Section 505 of the Federal Food, Drug, and Cosmetic Act (21  
15 U.S.C. 355(j)) or under subsection (k) of Section 351 of the  
16 federal Public Health Service Act (42 U.S.C. 262(k)).

17 "Partnerships" includes, but is not limited to, agreements  
18 for the procurement of generic prescription drugs by way of  
19 contracts or purchasing by a payor, State governmental agency,  
20 group purchasing organization, nonprofit organization, or  
21 other entity.

22 "Provider" means a hospital licensed under the Hospital  
23 Licensing Act or organized under the University of Illinois

1 Hospital Act, a skilled nursing facility as that term is  
2 defined under Section 2 of the Comprehensive Health Insurance  
3 Plan Act, a comprehensive outpatient rehabilitation facility,  
4 a home health agency as that term is defined under Section 2.04  
5 of the Home Health, Home Services, and Home Nursing Agency  
6 Licensing Act, a hospice as that term is defined under Section  
7 2 of the Comprehensive Health Insurance Plan Act, a public  
8 health clinic as that term is defined under Section 6-101 of  
9 the Local Governmental and Governmental Employees Tort  
10 Immunity Act, or a rehabilitation agency.

11 "Supplier" means a physician, surgeon, or other health  
12 care practitioner or an entity other than a provider that  
13 furnishes health care services.

14 Section 10. Cost of prescription drugs; partnerships.

15 (a) A department may enter into partnerships consistent  
16 with subsection (b) of Section 15, in consultation with other  
17 State agencies as necessary, to increase competition, lower  
18 prices, and address shortages in the market for generic  
19 prescription drugs, reduce the cost of generic prescription  
20 drugs for public and private purchasers, taxpayers, and  
21 consumers, and increase patient access to affordable generic  
22 prescription drugs.

23 (b) Subject to appropriation by the General Assembly for  
24 this purpose, the department may hire staff to oversee and  
25 project-manage the partnerships for manufacturing or

1 distribution of generic prescription drugs.

2 Section 15. Generic prescription drug prices.

3 (a) A department may enter into partnerships resulting in  
4 the production or distribution of generic prescription drugs  
5 with the intent that these generic prescription drugs be made  
6 widely available to public and private purchasers, providers  
7 and suppliers, and pharmacies licensed under the Pharmacy  
8 Practice Act, as appropriate. The generic prescription drugs  
9 shall be produced or distributed by a drug company or generic  
10 prescription drug manufacturer that is registered with the  
11 United States Food and Drug Administration.

12 (b) A department shall comply with the following  
13 requirements when entering into partnerships or setting prices  
14 for generic prescription drugs:

15 (1) A department shall only enter into partnerships  
16 under subsection (a) to produce a generic prescription  
17 drug at a price that results in savings, target failures  
18 in the market for generic prescription drugs, and improve  
19 patient access to affordable medications.

20 (2) For generic prescription drugs prioritized in  
21 accordance with the criteria listed in paragraph (5), the  
22 department shall determine if viable pathways exist for  
23 partnerships to manufacture or distribute generic  
24 prescription drugs by examining the relevant legal,  
25 market, policy, and regulatory factors.

1           (3) A department shall consider the following, if  
2           applicable, when setting the price of a generic  
3           prescription drug under this Section:

4                   (A) United States Food and Drug Administration  
5           user fees.

6                   (B) Abbreviated new drug application acquisition  
7           costs, amortized over a 5-year period.

8                   (C) Mandatory rebates.

9                   (D) Total contracting and production costs for the  
10          generic prescription drug, including a reasonable  
11          amount for administrative, operating, and  
12          rate-of-return expenses of the drug company or generic  
13          prescription drug manufacturer.

14                   (E) Research and development costs attributed to  
15          the generic prescription drug over a 5-year period.

16                   (F) Other initial start-up costs, amortized over a  
17          5-year period.

18           (4) Each generic prescription drug shall be made  
19          available to providers, patients, and purchasers at a  
20          transparent price and without rebates, other than  
21          federally required rebates.

22           (5) A department shall prioritize the selection of  
23          generic prescription drugs that have the greatest impact  
24          on lowering drug costs to patients, increasing competition  
25          and addressing shortages in the prescription drug market,  
26          improving public health, or reducing the cost of

1 prescription drugs to public and private purchasers.

2 (c) In identifying generic prescription drugs to be  
3 produced, a department shall consider pharmacy spending data  
4 from Medicaid and other entities for which the State pays the  
5 cost of generic prescription drugs.

6 The partnerships entered into under subsection (a) shall  
7 include the production of at least one form of insulin, if a  
8 viable pathway for manufacturing a more affordable form of  
9 insulin exists.

10 A department shall prioritize generic prescription drugs  
11 for chronic and high-cost conditions and shall consider  
12 prioritizing those that can be delivered through mail order.

13 (d) A department shall consult with all of the following  
14 public and private purchasers to assist in developing a list  
15 of generic prescription drugs to be manufactured or  
16 distributed through partnerships and to determine the volume  
17 of each generic prescription drug that can be procured over a  
18 multiyear period to support a market for a lower-cost generic  
19 prescription drug:

20 (1) Any public agency that is a purchaser.

21 (2) Health insurers holding a valid outstanding  
22 certificate of authority from the Director of Insurance.

23 (3) Hospitals.

24 (4) Pharmacy benefit managers.

25 (e) Before entering into a partnership under subsection  
26 (a), a department shall determine minimum thresholds for

1 procurement of an entity's expected volume of a targeted  
2 generic prescription drug from the company or manufacturer  
3 over a multiyear period.

4 (f) The entities listed in paragraphs (2) through (5) of  
5 subsection (d) shall not be required to purchase prescription  
6 drugs from the department or from entities that contract or  
7 partner with the department under this Act.

8 (g) A department is not required to consult with every  
9 entity listed in paragraphs (2) through (5) of subsection (d)  
10 so long as purchaser engagement includes a reasonable  
11 representation from those groups.

12 Section 20. Feasibility report.

13 (a) On or before July 1, 2027, any department that elects  
14 to enter into a partnership under this Act shall submit a  
15 report to the General Assembly that assesses the feasibility  
16 of the department directly manufacturing generic prescription  
17 drugs and selling generic prescription drugs at a fair price.  
18 The report shall include an analysis of governance structure  
19 options for manufacturing functions, including chartering a  
20 private organization, public-private partnership, or public  
21 board of directors.

22 (b) This Section is repealed on January 1, 2029.

23 Section 25. Status and analysis report.

24 (a) On or before July 1, 2026, any department that elects

1 to enter into a partnership under this Act shall submit a  
2 report to the General Assembly with:

3 (1) a description of the status of all drugs targeted  
4 under this Act; and

5 (2) an analysis of how the activities of the  
6 department may impact competition, access to targeted  
7 drugs, the costs of those drugs, and the costs of generic  
8 prescription drugs for public and private purchasers.

9 (b) This Section is repealed on January 1, 2030.

10 Section 30. Nonpublic information; disclosure.  
11 Notwithstanding any other provision of law, all nonpublic  
12 information and documents obtained under this Act shall not be  
13 required to be disclosed under the Freedom of Information Act.

14 Section 35. The Freedom of Information Act is amended by  
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions. To the extent provided for  
18 by the statutes referenced below, the following shall be  
19 exempt from inspection and copying:

20 (a) All information determined to be confidential  
21 under Section 4002 of the Technology Advancement and  
22 Development Act.

23 (b) Library circulation and order records identifying

1 library users with specific materials under the Library  
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other  
6 records prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (d) Information and records held by the Department of  
10 Public Health and its authorized representatives relating  
11 to known or suspected cases of sexually transmitted  
12 infection or any information the disclosure of which is  
13 restricted under the Illinois Sexually Transmitted  
14 Infection Control Act.

15 (e) Information the disclosure of which is exempted  
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of  
18 the Architectural, Engineering, and Land Surveying  
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted  
21 and exempted under Section 50 of the Illinois Prepaid  
22 Tuition Act.

23 (h) Information the disclosure of which is exempted  
24 under the State Officials and Employees Ethics Act, and  
25 records of any lawfully created State or local inspector  
26 general's office that would be exempt if created or

1           obtained by an Executive Inspector General's office under  
2           that Act.

3           (i) Information contained in a local emergency energy  
4           plan submitted to a municipality in accordance with a  
5           local emergency energy plan ordinance that is adopted  
6           under Section 11-21.5-5 of the Illinois Municipal Code.

7           (j) Information and data concerning the distribution  
8           of surcharge moneys collected and remitted by carriers  
9           under the Emergency Telephone System Act.

10          (k) Law enforcement officer identification information  
11          or driver identification information compiled by a law  
12          enforcement agency or the Department of Transportation  
13          under Section 11-212 of the Illinois Vehicle Code.

14          (l) Records and information provided to a residential  
15          health care facility resident sexual assault and death  
16          review team or the Executive Council under the Abuse  
17          Prevention Review Team Act.

18          (m) Information provided to the predatory lending  
19          database created pursuant to Article 3 of the Residential  
20          Real Property Disclosure Act, except to the extent  
21          authorized under that Article.

22          (n) Defense budgets and petitions for certification of  
23          compensation and expenses for court appointed trial  
24          counsel as provided under Sections 10 and 15 of the  
25          Capital Crimes Litigation Act (repealed). This subsection

26          (n) shall apply until the conclusion of the trial of the

1 case, even if the prosecution chooses not to pursue the  
2 death penalty prior to trial or sentencing.

3 (o) Information that is prohibited from being  
4 disclosed under Section 4 of the Illinois Health and  
5 Hazardous Substances Registry Act.

6 (p) Security portions of system safety program plans,  
7 investigation reports, surveys, schedules, lists, data, or  
8 information compiled, collected, or prepared by or for the  
9 Department of Transportation under Sections 2705-300 and  
10 2705-616 of the Department of Transportation Law of the  
11 Civil Administrative Code of Illinois, the Regional  
12 Transportation Authority under Section 2.11 of the  
13 Regional Transportation Authority Act, or the St. Clair  
14 County Transit District under the Bi-State Transit Safety  
15 Act (repealed).

16 (q) Information prohibited from being disclosed by the  
17 Personnel Record Review Act.

18 (r) Information prohibited from being disclosed by the  
19 Illinois School Student Records Act.

20 (s) Information the disclosure of which is restricted  
21 under Section 5-108 of the Public Utilities Act.

22 (t) (Blank).

23 (u) Records and information provided to an independent  
24 team of experts under the Developmental Disability and  
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed  
7 Carry Licensing Review Board under the Firearm Concealed  
8 Carry Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (v-5) Records of the Firearm Owner's Identification  
11 Card Review Board that are exempted from disclosure under  
12 Section 10 of the Firearm Owners Identification Card Act.

13 (w) Personally identifiable information which is  
14 exempted from disclosure under subsection (g) of Section  
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure  
17 under Section 5-1014.3 of the Counties Code or Section  
18 8-11-21 of the Illinois Municipal Code.

19 (y) Confidential information under the Adult  
20 Protective Services Act and its predecessor enabling  
21 statute, the Elder Abuse and Neglect Act, including  
22 information about the identity and administrative finding  
23 against any caregiver of a verified and substantiated  
24 decision of abuse, neglect, or financial exploitation of  
25 an eligible adult maintained in the Registry established  
26 under Section 7.5 of the Adult Protective Services Act.

1           (z) Records and information provided to a fatality  
2 review team or the Illinois Fatality Review Team Advisory  
3 Council under Section 15 of the Adult Protective Services  
4 Act.

5           (aa) Information which is exempted from disclosure  
6 under Section 2.37 of the Wildlife Code.

7           (bb) Information which is or was prohibited from  
8 disclosure by the Juvenile Court Act of 1987.

9           (cc) Recordings made under the Law Enforcement  
10 Officer-Worn Body Camera Act, except to the extent  
11 authorized under that Act.

12           (dd) Information that is prohibited from being  
13 disclosed under Section 45 of the Condominium and Common  
14 Interest Community Ombudsperson Act.

15           (ee) Information that is exempted from disclosure  
16 under Section 30.1 of the Pharmacy Practice Act.

17           (ff) Information that is exempted from disclosure  
18 under the Revised Uniform Unclaimed Property Act.

19           (gg) Information that is prohibited from being  
20 disclosed under Section 7-603.5 of the Illinois Vehicle  
21 Code.

22           (hh) Records that are exempt from disclosure under  
23 Section 1A-16.7 of the Election Code.

24           (ii) Information which is exempted from disclosure  
25 under Section 2505-800 of the Department of Revenue Law of  
26 the Civil Administrative Code of Illinois.

1           (jj) Information and reports that are required to be  
2 submitted to the Department of Labor by registering day  
3 and temporary labor service agencies but are exempt from  
4 disclosure under subsection (a-1) of Section 45 of the Day  
5 and Temporary Labor Services Act.

6           (kk) Information prohibited from disclosure under the  
7 Seizure and Forfeiture Reporting Act.

8           (ll) Information the disclosure of which is restricted  
9 and exempted under Section 5-30.8 of the Illinois Public  
10 Aid Code.

11           (mm) Records that are exempt from disclosure under  
12 Section 4.2 of the Crime Victims Compensation Act.

13           (nn) Information that is exempt from disclosure under  
14 Section 70 of the Higher Education Student Assistance Act.

15           (oo) Communications, notes, records, and reports  
16 arising out of a peer support counseling session  
17 prohibited from disclosure under the First Responders  
18 Suicide Prevention Act.

19           (pp) Names and all identifying information relating to  
20 an employee of an emergency services provider or law  
21 enforcement agency under the First Responders Suicide  
22 Prevention Act.

23           (qq) Information and records held by the Department of  
24 Public Health and its authorized representatives collected  
25 under the Reproductive Health Act.

26           (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

2 (ss) Data reported by an employer to the Department of  
3 Human Rights pursuant to Section 2-108 of the Illinois  
4 Human Rights Act.

5 (tt) Recordings made under the Children's Advocacy  
6 Center Act, except to the extent authorized under that  
7 Act.

8 (uu) Information that is exempt from disclosure under  
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (vv) Information that is exempt from disclosure under  
11 subsections (f) and (j) of Section 5-36 of the Illinois  
12 Public Aid Code.

13 (ww) Information that is exempt from disclosure under  
14 Section 16.8 of the State Treasurer Act.

15 (xx) Information that is exempt from disclosure or  
16 information that shall not be made public under the  
17 Illinois Insurance Code.

18 (yy) Information prohibited from being disclosed under  
19 the Illinois Educational Labor Relations Act.

20 (zz) Information prohibited from being disclosed under  
21 the Illinois Public Labor Relations Act.

22 (aaa) Information prohibited from being disclosed  
23 under Section 1-167 of the Illinois Pension Code.

24 (bbb) Information that is prohibited from disclosure  
25 by the Illinois Police Training Act and the Illinois State  
26 Police Act.

1 (ccc) Records exempt from disclosure under Section  
2 2605-304 of the Illinois State Police Law of the Civil  
3 Administrative Code of Illinois.

4 (ddd) Information prohibited from being disclosed  
5 under Section 35 of the Address Confidentiality for  
6 Victims of Domestic Violence, Sexual Assault, Human  
7 Trafficking, or Stalking Act.

8 (eee) Information prohibited from being disclosed  
9 under subsection (b) of Section 75 of the Domestic  
10 Violence Fatality Review Act.

11 (fff) Images from cameras under the Expressway Camera  
12 Act. This subsection (fff) is inoperative on and after  
13 July 1, 2025.

14 (ggg) Information prohibited from disclosure under  
15 paragraph (3) of subsection (a) of Section 14 of the Nurse  
16 Agency Licensing Act.

17 (hhh) Information submitted to the Illinois State  
18 Police in an affidavit or application for an assault  
19 weapon endorsement, assault weapon attachment endorsement,  
20 .50 caliber rifle endorsement, or .50 caliber cartridge  
21 endorsement under the Firearm Owners Identification Card  
22 Act.

23 (iii) Data exempt from disclosure under Section 50 of  
24 the School Safety Drill Act.

25 (jjj) Information exempt from disclosure under Section  
26 30 of the Insurance Data Security Law.

1 (kkk) Confidential business information prohibited  
2 from disclosure under Section 45 of the Paint Stewardship  
3 Act.

4 (lll) Data exempt from disclosure under Section  
5 2-3.196 of the School Code.

6 (mmm) Information prohibited from being disclosed  
7 under subsection (e) of Section 1-129 of the Illinois  
8 Power Agency Act.

9 (nnn) Materials received by the Department of Commerce  
10 and Economic Opportunity that are confidential under the  
11 Music and Musicians Tax Credit and Jobs Act.

12 (ooo) ~~(nnn)~~ Data or information provided pursuant to  
13 Section 20 of the Statewide Recycling Needs and Assessment  
14 Act.

15 (ppp) ~~(nnn)~~ Information that is exempt from disclosure  
16 under Section 28-11 of the Lawful Health Care Activity  
17 Act.

18 (qqq) ~~(nnn)~~ Information that is exempt from disclosure  
19 under Section 7-101 of the Illinois Human Rights Act.

20 (rrr) ~~(mmm)~~ Information prohibited from being  
21 disclosed under Section 4-2 of the Uniform Money  
22 Transmission Modernization Act.

23 (sss) ~~(nnn)~~ Information exempt from disclosure under  
24 Section 40 of the Student-Athlete Endorsement Rights Act.

25 (ttt) Information prohibited from being disclosed  
26 under Section 30 of the Affordable Drug Manufacturing Act.

1 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
2 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
3 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
4 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
5 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
6 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
7 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.  
8 7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,  
9 eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;  
10 103-1049, eff. 8-9-24; revised 11-26-24.)

11 Section 97. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect July 1,  
14 2025.