

SB2469



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2469

Introduced 2/7/2025, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

720 ILCS 570/311.6

Amends the Illinois Controlled Substances Act. Provides that, notwithstanding any other provision of law, a prescriber shall not be required to issue prescriptions for a substance classified in Schedule II, III, IV, or V electronically if the prescription is issued by a licensed veterinarian within 7 (rather than 2) years after November 17, 2023 (the effective date of Public Act 103-563).

LRB104 08825 RLC 18880 b

A BILL FOR

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 311.6 as follows:

6 (720 ILCS 570/311.6)

7 Sec. 311.6. Prescriptions for substance classified in
8 Schedule II, III, IV, or V sent electronically; exceptions
9 Opioid prescriptions.

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

16 (b) Beginning on January 1, 2024 (the effective date of
17 Public Act 103-425) ~~this amendatory Act of the 103rd General~~
18 ~~Assembly~~ until December 31, 2028, notwithstanding any other
19 provision of this Section or any other provision of law, a
20 prescriber shall not be required to issue prescriptions
21 electronically if he or she certifies to the Department of
22 Financial and Professional Regulation that he or she will not
23 issue more than 150 prescriptions during a 12-month period.

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

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

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

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

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

4 (4) the prescription is for a drug that the
5 practitioner reasonably determines would be impractical
6 for the patient to obtain in a timely manner if prescribed
7 by an electronic data transmission prescription and the
8 delay would adversely impact the patient's medical
9 condition;

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

11 (A) resides in a nursing or assisted living
12 facility;

13 (B) is receiving hospice or palliative care;

14 (C) is receiving care at an outpatient renal
15 dialysis facility and the prescription is related to
16 the care provided;

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

19 (E) is incarcerated in a state, detained, or
20 confined in a correctional facility;

21 (6) the prescription prescribes a drug under a
22 research protocol;

23 (7) the prescription is a non-patient specific
24 prescription dispensed under a standing order, approved
25 protocol for drug therapy, collaborative drug management,
26 or comprehensive medication management, or in response to

1 a public health emergency or other circumstance in which
2 the practitioner may issue a non-patient specific
3 prescription;

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

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

8 (10) the prescription is issued by a licensed
9 veterinarian within 7 ~~2~~ years after November 17, 2023 (
10 the effective date of Public Act 103-563) ~~this amendatory~~
11 ~~Act of the 103rd General Assembly.~~

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

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

21 (e) Any pharmacist who dispenses in good faith based upon
22 a valid prescription that is not prescribed electronically may
23 be exempt from any disciplinary action. A pharmacist is not
24 required to ensure or responsible for ensuring the
25 prescriber's compliance under subsection (b), nor may any
26 other entity or organization require a pharmacist to ensure

1 the prescriber's compliance with that subsection. A pharmacist
2 may not refuse to fill a valid prescription solely because it
3 is not prescribed electronically.

4 (f) It shall be a violation of this Section for any
5 prescriber or dispenser to adopt a policy contrary to this
6 Section.

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

15 (Source: P.A. 102-490, eff. 1-1-24 (See Section 55 of P.A.
16 102-1109 for effective date of P.A. 102-490); 103-425, eff.
17 1-1-24; 103-563, eff. 11-17-23; 103-732, eff. 8-2-24.)