

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7 (Section scheduled to be repealed on January 1, 2028)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 (6) Upon a patient's request, a pharmacy must transfer

1 the prescription to another pharmacy, including Schedule  
2 II controlled substances, if the prescription has been  
3 received but not yet filled. However, the transfer is not  
4 required if:

5 (a) the prescriber prohibits transfer in writing  
6 on the prescription and documents a clinical reason  
7 prohibiting transfer on the prescription; or

8 (b) the transfer is otherwise prohibited by  
9 federal law.

10 Transfers may occur electronically or by facsimile  
11 when permitted by federal law, and a licensed pharmacy  
12 technician may perform the transfer if delegated by a  
13 pharmacist.

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

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

17 (720 ILCS 570/311.6)

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

20 (a) Notwithstanding any other provision of law, a  
21 prescription for a substance classified in Schedule II, III,  
22 IV, or V must be sent electronically, in accordance with  
23 Section 316. Prescriptions sent in accordance with this  
24 subsection (a) must be accepted by the dispenser in electronic

1 format.

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

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

25 (1) prior to January 1, 2026, the prescriber  
26 demonstrates financial difficulties in buying or managing

1 an electronic prescription option, whether it is an  
2 electronic health record or some other electronic  
3 prescribing product;

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

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

12 (4) the prescription is for a drug that the  
13 practitioner reasonably determines would be impractical  
14 for the patient to obtain in a timely manner if prescribed  
15 by an electronic data transmission prescription and the  
16 delay would adversely impact the patient's medical  
17 condition;

18 (4.5) prescriptions issued prior to January 1, 2028  
19 that may need to be filled outside of typical retail  
20 pharmacy operating hours;

21 (4.6) prescriptions issued prior to January 1, 2028  
22 that may be difficult to obtain because the prescriber  
23 knows of drug shortages or pharmacy inventory limitations;

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

25 (A) resides in a nursing or assisted living  
26 facility;

1 (B) is receiving hospice or palliative care;

2 (C) is receiving care at an outpatient renal  
3 dialysis facility and the prescription is related to  
4 the care provided;

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

7 (E) is incarcerated in a state, detained, or  
8 confined in a correctional facility;

9 (6) the prescription prescribes a drug under a  
10 research protocol;

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

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

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

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

25 (c) The Department of Financial and Professional  
26 Regulation may adopt rules for the administration of this

1 Section to the requirements under this Section that the  
2 Department of Financial and Professional Regulation may deem  
3 appropriate.

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

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

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

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

1 occurs.

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

3 103-732, eff. 8-2-24; 104-424, eff. 8-15-25.)