



Sen. Julie A. Morrison

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10400SB3507sam002

LRB104 17899 RLC 35470 a

1 AMENDMENT TO SENATE BILL 3507

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3507 by replacing  
3 everything after the enacting clause with the following:

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

1 substance or prescription for a controlled substance is  
2 sought.

3 (b) It shall be unlawful for a person knowingly or  
4 intentionally to fraudulently obtain or fraudulently seek to  
5 obtain any controlled substance from a pharmacy while being  
6 supplied with any controlled substance by another pharmacy,  
7 without disclosing the fact of the existing controlled  
8 substance to the pharmacy from which the subsequent controlled  
9 substance is sought.

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

13 (c-5) Each ~~Effective January 1, 2018, each~~ prescriber  
14 possessing an Illinois controlled substances license shall  
15 register with the Prescription Monitoring Program. A  
16 prescriber is not subject to criminal liability or  
17 professional discipline for failure to register with the  
18 Prescription Monitoring Program due to technological or  
19 electrical failures or operational issues that prevent  
20 registration. Notwithstanding any provision of this Act to the  
21 contrary, beginning on and after the effective date of this  
22 amendatory Act of the 101st General Assembly, a licensed  
23 veterinarian shall be exempt from registration and prohibited  
24 from accessing patient information in the Prescription  
25 Monitoring Program. Licensed veterinarians that are existing  
26 registrants shall be removed from the Prescription Monitoring

1 Program. Each prescriber or the prescriber's ~~his or her~~  
2 designee shall also document an attempt to access patient  
3 information in the Prescription Monitoring Program to assess  
4 patient access to controlled substances when providing an  
5 initial prescription for any stimulant substances listed in  
6 Schedule II and all prescriptions ~~an initial prescription~~ for  
7 Schedule II opioids and Schedule IV benzodiazepine, ~~narcotics~~  
8 ~~such as opioids,~~ except for prescriptions for oncology  
9 treatment or palliative care, or a 7-day or less supply  
10 provided by a hospital emergency department when treating a ~~an~~  
11 ~~acute, traumatic~~ medical condition. This attempt to access  
12 shall be documented in the patient's medical record. The  
13 hospital shall facilitate the designation of a prescriber's  
14 designee for the purpose of accessing the Prescription  
15 Monitoring Program for services provided at the hospital.

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

26 (e) Nothing in this Section shall be construed to create a

1 requirement that any prescriber, dispenser, or pharmacist  
2 request any patient medication disclosure, report any patient  
3 activity, or prescribe or refuse to prescribe or dispense any  
4 medications.

5 (f) This Section shall not be construed to apply to  
6 inpatients or residents at hospitals or other institutions or  
7 to institutional pharmacies.

8 (g) Any patient feedback, including grades, ratings, or  
9 written or verbal statements, in opposition to a clinical  
10 decision that the prescription of a controlled substance is  
11 not medically necessary shall not be the basis of any adverse  
12 action, evaluation, or any other type of negative  
13 credentialing, contracting, licensure, or employment action  
14 taken against a prescriber or dispenser.

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