HB2951

LRB10004190SMS14196b

100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2951

by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

225 ILCS 60/33 from Ch. 111, par. 4400-33

Amends the Medical Practice Act of 1987. Except when dispensing manufacturers' samples or other legend drugs in a maximum 72 hour supply, requires persons licensed under the Act to label samples consistent with specified labeling requirements (rather than maintain a book or file of prescriptions as required in the Pharmacy Practice Act). Effective immediately.

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A BILL FOR

AN ACT concerning regulation.

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

Section 5. The Medical Practice Act of 1987 is amended by changing Section 33 as follows:

(225 ILCS 60/33) (from Ch. 111, par. 4400-33)

(Section scheduled to be repealed on December 31, 2017)

Sec. 33. Legend drugs.

(a) Any person licensed under this Act to practice medicine in all of its branches shall be authorized to purchase legend drugs requiring an order of a person authorized to prescribe drugs, and to dispense such legend drugs in the regular course of practicing medicine. The dispensing of such legend drugs shall be the personal act of the person licensed under this Act and may not be delegated to any other person not licensed under this Act or the Pharmacy Practice Act unless such delegated dispensing functions are under the direct supervision of the physician authorized to dispense legend drugs. Except when dispensing manufacturers' samples or other legend drugs in a maximum 72 hour supply, persons licensed under this Act shall label these samples consistent with the labeling requirements of this Section ~~maintain a book or file of prescriptions as required in the Pharmacy Practice Act~~. Any person licensed

under this Act who dispenses any drug or medicine shall dispense such drug or medicine in good faith and shall affix to the box, bottle, vessel or package containing the same a label indicating (1) the date on which such drug or medicine is dispensed; (2) the name of the patient; (3) the last name of the person dispensing such drug or medicine; (4) the directions for use thereof; and (5) the proprietary name or names or, if there are none, the established name or names of the drug or medicine, the dosage and quantity, except as otherwise authorized by regulation of the Department. For manufacturers' samples, the label shall indicate the following: (1) the proprietary name or names or, if there are none, the established name or names of the drug or medicine, (2) the dosage, and (3) the quantity of the sample given to a patient.

(b) The labeling requirements set forth in subsection (a) shall not apply to drugs or medicines in a package which bears a label of the manufacturer containing information describing its contents which is in compliance with requirements of the Federal Food, Drug, and Cosmetic Act and the Illinois Food, Drug, and Cosmetic Act. "Drug" and "medicine" have the meanings ascribed to them in the Pharmacy Practice Act, as now or hereafter amended; "good faith" has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

(c) Prior to dispensing a prescription to a patient, the physician shall offer a written prescription to the patient

which the patient may elect to have filled by the physician or any licensed pharmacy.

(d) A violation of any provision of this Section shall constitute a violation of this Act and shall be grounds for disciplinary action provided for in this Act.

(e) Nothing in this Section shall be construed to authorize a chiropractic physician to prescribe drugs.

(Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

Section 99. Effective date. This Act takes effect upon becoming law.