



Sen. Chris Nybo

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LRB100 09873 RLC 23541 a

1 AMENDMENT TO SENATE BILL 1944

2 AMENDMENT NO. _____. Amend Senate Bill 1944 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Hypodermic Syringes and Needles Act is
5 amended by changing Sections 1, 2, 2.5, and 5 as follows:

6 (720 ILCS 635/1) (from Ch. 38, par. 22-50)

7 Sec. 1. Possession of hypodermic syringes and needles.

8 (a) Except as provided in subsection (b), no person, not
9 being a physician, dentist, chiropodist or veterinarian
10 licensed under the laws of this State or of the state where he
11 resides, or a registered professional nurse, or a registered
12 embalmer, manufacturer or dealer in embalming supplies,
13 wholesale druggist, manufacturing pharmacist, registered
14 pharmacist, manufacturer of surgical instruments, industrial
15 user, official of any government having possession of the
16 articles hereinafter mentioned by reason of his or her official

1 duties, nurse or a medical laboratory technician acting under
2 the direction of a physician or dentist, employee of an
3 incorporated hospital acting under the direction of its
4 superintendent or officer in immediate charge, or a carrier or
5 messenger engaged in the transportation of the ~~such~~ articles,
6 or the holder of a permit issued under Section 5 of this Act,
7 or a farmer engaged in the use of the ~~such~~ instruments on
8 livestock, or a person engaged in chemical, clinical,
9 pharmaceutical or other scientific research, shall have in his
10 or her possession a hypodermic syringe, hypodermic needle, or
11 any instrument adapted for the use of controlled substances or
12 cannabis by subcutaneous injection.

13 (b) A person who is at least 18 years of age may purchase
14 from a pharmacy and have in his or her possession up to 100 ~~20~~
15 hypodermic syringes or needles.

16 (Source: P.A. 93-392, eff. 7-25-03.)

17 (720 ILCS 635/2) (from Ch. 38, par. 22-51)

18 Sec. 2. Sale of hypodermic syringes and needles.

19 (a) Except as provided in subsection (b), no ~~such~~ syringe,
20 needle or instrument shall be delivered or sold to, or
21 exchanged with, any person except a registered pharmacist,
22 physician, dentist, veterinarian, registered embalmer,
23 manufacturer or dealer in embalming supplies, wholesale
24 druggist, manufacturing pharmacist, industrial user, a nurse
25 upon the written order of a physician or dentist, the holder of

1 a permit issued under Section 5 of this Act, a registered
2 chiropodist, or an employee of an incorporated hospital upon
3 the written order of its superintendent or officer in immediate
4 charge; provided that the provisions of this Act shall not
5 prohibit the sale, possession or use of hypodermic syringes or
6 hypodermic needles for treatment of livestock or poultry by the
7 owner or keeper thereof or a person engaged in chemical,
8 clinical, pharmaceutical or other scientific research.

9 (b) A pharmacist may sell up to 100 ~~20~~ sterile hypodermic
10 syringes or needles to a person who is at least 18 years of
11 age. A syringe or needle sold under this subsection (b) must be
12 stored at a pharmacy and in a manner that limits access to the
13 syringes or needles to pharmacists employed at the pharmacy and
14 any persons designated by the pharmacists. A syringe or needle
15 sold at a pharmacy under this subsection (b) may be sold only
16 from the pharmacy department of the pharmacy.

17 (Source: P.A. 93-392, eff. 7-25-03.)

18 (720 ILCS 635/2.5)

19 Sec. 2.5. Guidelines ~~Educational materials; guidelines~~ for
20 disposal.

21 (a) (Blank). ~~The Illinois Department of Public Health must~~
22 ~~develop educational materials and make copies of the~~
23 ~~educational materials available to pharmacists. Pharmacists~~
24 ~~must make these educational materials available to persons who~~
25 ~~purchase syringes and needles as authorized under subsection~~

1 ~~(b) of Section 1. The educational materials must include~~
2 ~~information regarding safer injection, HIV prevention, syringe~~
3 ~~and needle disposal, and drug treatment.~~

4 (b) The Illinois Department of Public Health must create
5 guidelines to advise local health departments on implementing
6 syringe and needle disposal policies that are consistent with
7 or more stringent than any available guidelines regarding
8 disposal for home health care products provided by the United
9 States Environmental Protection Agency.

10 (Source: P.A. 93-392, eff. 7-25-03.)

11 (720 ILCS 635/5) (from Ch. 38, par. 22-54)

12 Sec. 5. Prescriptions.

13 (a) As used in this Section, "prescriber" has the meaning
14 ascribed to it in Section 102 of the Illinois Controlled
15 Substances Act.

16 (b) Except as provided under Section 2, a prescriber
17 ~~licensed physician~~ may direct a patient under his or her
18 immediate charge to have in possession any of the instruments
19 specified in Sections 1 and 2 which may be dispensed by a
20 registered pharmacist ~~or assistant registered pharmacist~~ in
21 this state only (1) upon a written prescription of the
22 prescriber ~~such physician~~, or (2) upon an oral or electronic
23 order of the prescriber ~~such physician~~, which order is reduced
24 promptly to writing and filed by the pharmacist, or (3) by
25 refilling any ~~such written, or oral,~~ or electronic prescription

1 if the ~~such~~ refilling is authorized by the prescriber either in
2 the original prescription or by oral order which is reduced
3 promptly to writing and filed by the pharmacist in the same
4 manner and under the same conditions as any other prescription
5 issued by a practitioner licensed by law to write
6 prescriptions, or (4) upon a signed statement of a patient,
7 upon proper identification, stating that the prescriptions or
8 instruments specified in Sections 1 and 2 were lost or broken,
9 as the case may be, the name and address of the prescriber, the
10 name and address of the patient and the purpose for which the
11 prescription was ordered. The ~~Such~~ written, ~~or~~ oral, or
12 electronic prescriptions when reduced to writing for
13 instruments specified in Sections 1 and 2 shall contain the
14 date of the ~~such~~ prescription, the name and address of the
15 prescriber, the name and address of the patient, the purpose
16 for which the prescription is ordered, the date when dispensed
17 and by whom dispensed.

18 Provided, however, that a licensed physician or other
19 allied medical practitioner, authorized by the laws of the
20 State of Illinois to prescribe or administer controlled
21 substances or cannabis to humans or animals, may authorize any
22 person or the owner of any animal, to purchase and have in his
23 or her possession any of the instruments specified in Sections
24 1 and 2, which may be sold to him without a specific written,
25 ~~or~~ oral, or electronic prescription or order, by any person
26 authorized by the laws of the State of Illinois to sell and

1 dispense controlled substances or cannabis, if the ~~such~~
2 authorization is in the form of a certificate giving the name
3 and address of the ~~such~~ licensed physician or other allied
4 medical practitioner, the name, address and signature of the
5 person, or of the owner of the animal, so authorized, the
6 purpose or reason of the ~~such~~ authorization, and the date of
7 the ~~such~~ certificate and in that event, no other prescription,
8 writing or record shall be required to authorize the possession
9 or sale of the ~~such~~ instruments.

10 (Source: P.A. 93-392, eff. 7-25-03.)".