

# HB0013



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0013

Introduced 1/9/2019, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/512-4.5 new  
225 ILCS 85/15.7 new  
225 ILCS 120/53 new

Amends the Illinois Insurance Code, the Pharmacy Practice Act, and the Wholesale Drug Distribution Licensing Act. Prohibits the licensure, transference, use, or sale of any records relative to prescription information containing patient-identifiable or prescriber-identifiable data by any licensee or registrant of the Acts for commercial purposes.

LRB101 03966 SMS 48974 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation, which may be known as the  
2 Prescription Data Privacy Act.

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

5 Section 5. The Illinois Insurance Code is amended by adding  
6 Section 512-4.5 as follows:

7 (215 ILCS 5/512-4.5 new)

8 Sec. 512-4.5. License, transfer, use, and sale of  
9 prescription information prohibited.

10 (a) In this Section, "commercial purpose" includes,  
11 without limitation, advertising, marketing, promotion, or any  
12 activity that could be used to (i) influence sales or market  
13 share of a pharmaceutical product, (ii) influence or evaluate  
14 the prescribing behavior of an individual health care  
15 professional, or (iii) evaluate the effectiveness of a  
16 professional pharmaceutical sales force.

17 (b) Records relative to prescription information  
18 containing patient-identifiable or prescriber-identifiable  
19 data may not be licensed, transferred, used, or sold by any  
20 registrant under this Act for any commercial purpose, except  
21 for any of the following limited purposes:

22 (1) pharmacy reimbursement;

23 (2) formulary compliance;

- 1           (3) care management;  
2           (4) utilization review by a health care provider, the  
3           patient's insurance provider, or the agent of either;  
4           (5) health care research; or  
5           (6) any purpose otherwise provided by law.

6           (c) Nothing in this Section shall prohibit the dispensing  
7           of prescription medications to a patient or to the patient's  
8           authorized representative; the transmission of prescription  
9           information between an authorized prescriber and a licensed  
10           pharmacy; the transfer of prescription information between  
11           licensed pharmacies; the transfer of prescription records that  
12           may occur in the event a pharmacy ownership is changed or  
13           transferred; or care management educational communications  
14           provided to a patient about the patient's health condition,  
15           adherence to a prescribed course of therapy, or other  
16           information about the drug being dispensed, treatment options,  
17           or clinical trials.

18           (d) Nothing in this Section shall prohibit the collection,  
19           use, transfer, or sale of patient and prescriber de-identified  
20           data by zip code, geographic region, or medical specialty for  
21           commercial purposes.

22           Section 10. The Pharmacy Practice Act is amended by adding  
23           Section 15.7 as follows:

24           (225 ILCS 85/15.7 new)

1       Sec. 15.7. License, transfer, use, and sale of prescription  
2 information prohibited.

3       (a) In this Section, "commercial purpose" includes,  
4 without limitation, advertising, marketing, promotion, or any  
5 activity that could be used to (i) influence sales or market  
6 share of a pharmaceutical product, (ii) influence or evaluate  
7 the prescribing behavior of an individual health care  
8 professional, or (iii) evaluate the effectiveness of a  
9 professional pharmaceutical sales force.

10       (b) Records relative to prescription information  
11 containing patient-identifiable or prescriber-identifiable  
12 data may not be licensed, transferred, used, or sold by any  
13 licensee or registrant under this Act for any commercial  
14 purpose, except for any of the following limited purposes:

15           (1) pharmacy reimbursement;

16           (2) formulary compliance;

17           (3) care management;

18           (4) utilization review by a health care provider, the  
19 patient's insurance provider, or the agent of either;

20           (5) health care research; or

21           (6) any purpose otherwise provided by law.

22       (c) Nothing in this Section shall prohibit the dispensing  
23 of prescription medications to a patient or to the patient's  
24 authorized representative; the transmission of prescription  
25 information between an authorized prescriber and a licensed  
26 pharmacy; the transfer of prescription information between

1 licensed pharmacies; the transfer of prescription records that  
2 may occur in the event a pharmacy ownership is changed or  
3 transferred; or care management educational communications  
4 provided to a patient about the patient's health condition,  
5 adherence to a prescribed course of therapy, or other  
6 information about the drug being dispensed, treatment options,  
7 or clinical trials.

8 (d) Nothing in this Section shall prohibit the collection,  
9 use, transfer, or sale of patient and prescriber de-identified  
10 data by zip code, geographic region, or medical specialty for  
11 commercial purposes.

12 Section 15. The Wholesale Drug Distribution Licensing Act  
13 is amended by adding Section 53 as follows:

14 (225 ILCS 120/53 new)

15 Sec. 53. License, transfer, use, and sale of prescription  
16 information prohibited.

17 (a) In this Section, "commercial purpose" includes,  
18 without limitation, advertising, marketing, promotion, or any  
19 activity that could be used to (i) influence sales or market  
20 share of a pharmaceutical product, (ii) influence or evaluate  
21 the prescribing behavior of an individual health care  
22 professional, or (iii) evaluate the effectiveness of a  
23 professional pharmaceutical sales force.

24 (b) Records relative to prescription information

1 containing patient-identifiable or prescriber-identifiable  
2 data may not be licensed, transferred, used, or sold by any  
3 licensee under this Act for any commercial purpose, except for  
4 any of the following limited purposes:

5 (1) pharmacy reimbursement;

6 (2) formulary compliance;

7 (3) care management;

8 (4) utilization review by a health care provider, the  
9 patient's insurance provider, or the agent of either;

10 (5) health care research; or

11 (6) any purpose otherwise provided by law.

12 (c) Nothing in this Section shall prohibit the dispensing  
13 of prescription medications to a patient or to the patient's  
14 authorized representative; the transmission of prescription  
15 information between an authorized prescriber and a licensed  
16 pharmacy; the transfer of prescription information between  
17 licensed pharmacies; the transfer of prescription records that  
18 may occur in the event a pharmacy ownership is changed or  
19 transferred; or care management educational communications  
20 provided to a patient about the patient's health condition,  
21 adherence to a prescribed course of therapy, or other  
22 information about the drug being dispensed, treatment options,  
23 or clinical trials.

24 (d) Nothing in this Section shall prohibit the collection,  
25 use, transfer, or sale of patient and prescriber de-identified  
26 data by zip code, geographic region, or medical specialty for

1 commercial purposes.