

1 AN ACT concerning regulation.

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 Sections 9 and 15.1 and by adding Section 9.7 as
6 follows:

7 (225 ILCS 85/9)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 9. Licensure as registered pharmacy technician.

10 (a) Any person shall be entitled to licensure as a
11 registered pharmacy technician who is of the age of 16 or over,
12 has not engaged in conduct or behavior determined to be
13 grounds for discipline under this Act, is attending or has
14 graduated from an accredited high school or comparable school
15 or educational institution or received a State of Illinois
16 High School Diploma, and has filed a written or electronic
17 application for licensure on a form to be prescribed and
18 furnished by the Department for that purpose. The Department
19 shall issue a license as a registered pharmacy technician to
20 any applicant who has qualified as aforesaid, and such license
21 shall be the sole authority required to assist licensed
22 pharmacists in the practice of pharmacy, under the supervision
23 of a licensed pharmacist. A registered pharmacy technician may

1 be delegated to perform any task within the practice of
2 pharmacy if specifically trained for that task, except for
3 patient counseling, drug regimen review, clinical conflict
4 resolution, ~~or~~ final prescription verification except where a
5 registered certified pharmacy technician verifies a
6 prescription dispensed by another pharmacy technician using
7 technology-assisted medication verification, or providing
8 patients prophylaxis drugs for human immunodeficiency virus
9 pre-exposure prophylaxis or post-exposure prophylaxis.

10 (b) Beginning on January 1, 2017, within 2 years after
11 initial licensure as a registered pharmacy technician, the
12 licensee must meet the requirements described in Section 9.5
13 of this Act and become licensed as a registered certified
14 pharmacy technician. If the licensee has not yet attained the
15 age of 18, then upon the next renewal as a registered pharmacy
16 technician, the licensee must meet the requirements described
17 in Section 9.5 of this Act and become licensed as a registered
18 certified pharmacy technician. This requirement does not apply
19 to pharmacy technicians registered prior to January 1, 2008.

20 (c) (Blank). ~~Any person registered as a pharmacy~~
21 ~~technician who is also enrolled in a first professional degree~~
22 ~~program in pharmacy in a school or college of pharmacy or a~~
23 ~~department of pharmacy of a university approved by the~~
24 ~~Department or has graduated from such a program within the~~
25 ~~last 18 months, shall be considered a "student pharmacist" and~~
26 ~~entitled to use the title "student pharmacist". A student~~

1 ~~pharmacist must meet all of the requirements for licensure as~~
2 ~~a registered pharmacy technician set forth in this Section~~
3 ~~excluding the requirement of certification prior to the second~~
4 ~~license renewal and pay the required registered pharmacy~~
5 ~~technician license fees. A student pharmacist may, under the~~
6 ~~supervision of a pharmacist, assist in the practice of~~
7 ~~pharmacy and perform any and all functions delegated to him or~~
8 ~~her by the pharmacist.~~

9 (d) Any person seeking licensure as a pharmacist who has
10 graduated from a pharmacy program outside the United States
11 must register as a pharmacy technician and shall be considered
12 a "student pharmacist" and be entitled to use the title
13 "student pharmacist" while completing the 1,200 clinical hours
14 of training approved by the Board of Pharmacy described and
15 for no more than 18 months after completion of these hours.
16 These individuals are not required to become registered
17 certified pharmacy technicians while completing their Board
18 approved clinical training, but must become licensed as a
19 pharmacist or become licensed as a registered certified
20 pharmacy technician before the second pharmacy technician
21 license renewal following completion of the Board approved
22 clinical training.

23 (e) The Department shall not renew the registered pharmacy
24 technician license of any person who has been licensed as a
25 registered pharmacy technician with the designation "student
26 pharmacist" who: (1) has dropped out of or been expelled from

1 an ACPE accredited college of pharmacy; (2) has failed to
2 complete his or her 1,200 hours of Board approved clinical
3 training within 24 months; or (3) has failed the pharmacist
4 licensure examination 3 times. The Department shall require
5 these individuals to meet the requirements of and become
6 licensed as a registered certified pharmacy technician.

7 (f) The Department may take any action set forth in
8 Section 30 of this Act with regard to a license pursuant to
9 this Section.

10 (g) Any person who is enrolled in a non-traditional
11 Pharm.D. program at an ACPE accredited college of pharmacy and
12 is licensed as a registered pharmacist under the laws of
13 another United States jurisdiction shall be permitted to
14 engage in the program of practice experience required in the
15 academic program by virtue of such license. Such person shall
16 be exempt from the requirement of licensure as a registered
17 pharmacy technician or registered certified pharmacy
18 technician while engaged in the program of practice experience
19 required in the academic program.

20 An applicant for licensure as a registered pharmacy
21 technician may assist a pharmacist in the practice of pharmacy
22 for a period of up to 60 days prior to the issuance of a
23 license if the applicant has submitted the required fee and an
24 application for licensure to the Department. The applicant
25 shall keep a copy of the submitted application on the premises
26 where the applicant is assisting in the practice of pharmacy.

1 The Department shall forward confirmation of receipt of the
2 application with start and expiration dates of practice
3 pending licensure.

4 (h) Supportive staff who solely perform clerical work are
5 not required to be licensed as a registered pharmacy
6 technician. It shall be the responsibility of the pharmacy,
7 the pharmacist-in-charge, and the pharmacy technician to
8 ensure supportive staff are properly trained. The pharmacy or
9 pharmacist-in-charge shall alert the Department's chief
10 pharmacy coordinator when supportive staff have been
11 terminated for threatening patient safety or diversion, in
12 accordance with the requirements of subsection (b) of Section
13 30.1. As used in this subsection, "clerical work" includes,
14 without limitation, operating registers at the point of sale,
15 sorting pre-packaged drugs in pharmacies specializing in
16 centralized prescription filling, and selling prescriptions
17 that have received final verification by a pharmacist in
18 accordance with subsection (c-5) of Section 15.1. "Clerical
19 work" does not include data entry, packaging, labeling, or
20 storage.

21 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;
22 102-1051, eff. 1-1-23; 102-1100, eff. 1-1-23; revised
23 12-14-22.)

24 (225 ILCS 85/9.7 new)

25 Sec. 9.7. Student pharmacist. Any person who is also

1 enrolled in a first professional degree program in pharmacy in
2 a school or college of pharmacy or a department of pharmacy of
3 a university approved by the Department, or has graduated from
4 such a program within the last 18 months, shall be considered a
5 "student pharmacist" and entitled to use the title "student
6 pharmacist". A student pharmacist must meet all of the
7 requirements for licensure as a registered pharmacy technician
8 set forth in Section 9, except for the requirement of
9 certification prior to the second license renewal, and pay the
10 required license fees. A student pharmacist may, under the
11 supervision of a pharmacist, assist in the practice of
12 pharmacy and perform any and all functions delegated to him or
13 her by the pharmacist.

14 (225 ILCS 85/15.1)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 15.1. Pharmacy working conditions.

17 (a) A pharmacy licensed under this Act shall not require a
18 pharmacist, student pharmacist, or pharmacy technician to work
19 longer than 12 continuous hours per day, inclusive of the
20 breaks required under subsection (b).

21 (b) A pharmacist who works 6 continuous hours or longer
22 per day shall be allowed to take, at a minimum, one 30-minute
23 uninterrupted meal break and one 15-minute break during that
24 6-hour period. If such pharmacist is required to work 12
25 continuous hours per day, at a minimum, he or she qualifies for

1 an additional 15-minute break. A pharmacist who is entitled to
2 take such breaks shall not be required to work more than 5
3 continuous hours, excluding a 15-minute break, before being
4 given the opportunity to take a 30-minute uninterrupted meal
5 break. If the pharmacy has a private break room available, or
6 if there is a private break room in the establishment or
7 business in which the pharmacy is located, a pharmacist who is
8 entitled to breaks must be given access to that private break
9 room and allowed to spend his or her break time in that room.

10 (c) A pharmacy may, but is not required to, close when a
11 pharmacist is allowed to take a break under subsection (b). If
12 the pharmacy does not close, the pharmacist shall either
13 remain within the licensed pharmacy or within the
14 establishment in which the licensed pharmacy is located in
15 order to be available for emergencies. In addition, the
16 following applies:

17 (1) pharmacy technicians, student pharmacists, and
18 other supportive staff authorized by the pharmacist on
19 duty may continue to perform duties as allowed under this
20 Act;

21 (2) no duties reserved to pharmacists and student
22 pharmacists under this Act, or that require the
23 professional judgment of a pharmacist, may be performed by
24 pharmacy technicians or other supportive staff; and

25 (3) only prescriptions that have received final
26 verification by a pharmacist may be sold ~~dispensed~~ while

1 the pharmacist is on break, except those prescriptions
2 that require counseling by a pharmacist, including all new
3 prescriptions and those refill prescriptions for which a
4 pharmacist has determined that counseling is necessary,
5 may be sold ~~dispensed~~ only if the following conditions are
6 met:

7 (i) the patient or other individual who is picking
8 up the prescription on behalf of the patient is told
9 that the pharmacist is on a break and is offered the
10 chance to wait until the pharmacist returns from break
11 in order to receive counseling;

12 (ii) if the patient or other individual who is
13 picking up the prescription on behalf of the patient
14 declines to wait, a telephone number at which the
15 patient or other individual who is picking up the
16 prescription on behalf of the patient can be reached
17 is obtained;

18 (iii) after returning from the break, the
19 pharmacist makes a reasonable effort to contact the
20 patient or other individual who is picking up the
21 prescription on behalf of the patient and provide
22 counseling; and

23 (iv) the pharmacist documents the counseling that
24 was provided or documents why counseling was not
25 provided after a minimum of 2 attempts, including a
26 description of the efforts made to contact the patient

1 or other individual who is picking up the prescription
2 on behalf of the patient; the documentation shall be
3 retained by the pharmacy and made available for
4 inspection by the Board or its authorized
5 representatives for at least 2 years.

6 (c-5) When a pharmacist is not present in the pharmacy, a
7 registered pharmacy technician, registered certified pharmacy
8 technician, student pharmacist, or other supportive staff
9 shall sell prescriptions that have received final verification
10 by a pharmacist. A registered pharmacy technician, registered
11 certified pharmacy technician, student pharmacist, or other
12 supportive staff shall connect a patient to a pharmacist to
13 provide counseling by audio or video technology for any
14 prescription that requires counseling by a pharmacist. If the
15 pharmacy does not have audio and video technology to connect
16 the patient or other individual who is picking up the
17 prescription on behalf of the patient to a pharmacist to
18 provide counseling, then a telephone number at which the
19 patient or other individual who is picking up the prescription
20 on behalf of the patient can be reached shall be obtained . The
21 pharmacist, upon returning to duty, shall attempt to contact
22 the patient or other individual in accordance with items (iii)
23 and (iv) of subsection (c). It shall be the responsibility of
24 the pharmacy and pharmacist-in-charge to ensure that all
25 staff, including supportive staff, are trained in selling
26 pre-verified prescriptions. Training shall include, at a

1 minimum, recordkeeping requirements, patient counseling
2 protocols as described in this subsection (c-5), pharmacy
3 safety protocols, and patient privacy standards. The
4 prescription record shall contain the names, initials, or
5 other unique identifier of both the pharmacist who verified
6 the prescription and the staff member who sold the
7 prescription.

8 (d) In a pharmacy staffed by 2 or more pharmacists, the
9 pharmacists shall stagger breaks so that at least one
10 pharmacist remains on duty during all times that the pharmacy
11 remains open for the transaction of business.

12 (e) (Blank). ~~A pharmacy shall keep and maintain a complete~~
13 ~~and accurate record showing its pharmacists' daily break~~
14 ~~periods.~~

15 (f) Subsections (a) and (b) shall not apply when an
16 emergency, as deemed by the professional judgment of the
17 pharmacist, necessitates that a pharmacist, student
18 pharmacist, or pharmacy technician work longer than 12
19 continuous hours, work without taking required meal breaks, or
20 have a break interrupted in order to minimize immediate health
21 risks for patients.

22 (Source: P.A. 101-621, eff. 1-1-20.)