

SB3304



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3304

Introduced 2/7/2024, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

720 ILCS 570/311.6

Amends the Illinois Controlled Substances Act. Provides that a pharmacist may not refuse to fill a valid prescription solely because it is not prescribed electronically. Provides that a compliance action with respect to this provision initiated by the Department of Financial and Professional Regulation prior to December 31, 2030 is limited to a non-disciplinary warning letter or citation, unless the prescriber fails to abide by the initial non-disciplinary warning letter or citation, has acted in bad faith, or a pattern of practice in violation of this Section occurs. Effective immediately.

LRB103 37507 RLC 69488 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Section 311.6 as follows:

6 (720 ILCS 570/311.6)

7 Sec. 311.6. Opioid prescriptions.

8 (a) Notwithstanding any other provision of law, a
9 prescription for a substance classified in Schedule II, III,
10 IV, or V must be sent electronically, in accordance with
11 Section 316. Prescriptions sent in accordance with this
12 subsection (a) must be accepted by the dispenser in electronic
13 format.

14 (b) Beginning on the effective date of this amendatory Act
15 of the 103rd General Assembly until December 31, 2028,
16 notwithstanding any other provision of this Section or any
17 other provision of law, a prescriber shall not be required to
18 issue prescriptions electronically if he or she certifies to
19 the Department of Financial and Professional Regulation that
20 he or she will not issue more than 150 prescriptions during a
21 12-month period. Prescriptions in both oral and written form
22 for controlled substances shall be included in determining
23 whether the prescriber will reach the limit of 150

1 prescriptions. Beginning January 1, 2029, notwithstanding any
2 other provision of this Section or any other provision of law,
3 a prescriber shall not be required to issue prescriptions
4 electronically if he or she certifies to the Department of
5 Financial and Professional Regulation that he or she will not
6 issue more than 50 prescriptions during a 12-month period.
7 Prescriptions in both oral and written form for controlled
8 substances shall be included in determining whether the
9 prescriber will reach the limit of 50 prescriptions.

10 (b-5) Notwithstanding any other provision of this Section
11 or any other provision of law, a prescriber shall not be
12 required to issue prescriptions electronically under the
13 following circumstances:

14 (1) prior to January 1, 2026, the prescriber
15 demonstrates financial difficulties in buying or managing
16 an electronic prescription option, whether it is an
17 electronic health record or some other electronic
18 prescribing product;

19 (2) on and after January 1, 2026, the prescriber
20 provides proof of a waiver from the Centers for Medicare
21 and Medicaid Services for the Electronic Prescribing for
22 Controlled Substances Program due to demonstrated economic
23 hardship for the previous compliance year;

24 (3) there is a temporary technological or electrical
25 failure that prevents an electronic prescription from
26 being issued;

1 (4) the prescription is for a drug that the
2 practitioner reasonably determines would be impractical
3 for the patient to obtain in a timely manner if prescribed
4 by an electronic data transmission prescription and the
5 delay would adversely impact the patient's medical
6 condition;

7 (5) the prescription is for an individual who:

8 (A) resides in a nursing or assisted living
9 facility;

10 (B) is receiving hospice or palliative care;

11 (C) is receiving care at an outpatient renal
12 dialysis facility and the prescription is related to
13 the care provided;

14 (D) is receiving care through the United States
15 Department of Veterans Affairs; or

16 (E) is incarcerated in a state, detained, or
17 confined in a correctional facility;

18 (6) the prescription prescribes a drug under a
19 research protocol;

20 (7) the prescription is a non-patient specific
21 prescription dispensed under a standing order, approved
22 protocol for drug therapy, collaborative drug management,
23 or comprehensive medication management, or in response to
24 a public health emergency or other circumstance in which
25 the practitioner may issue a non-patient specific
26 prescription;

1 (8) the prescription is issued when the prescriber and
2 dispenser are the same entity;

3 (9) the prescription is issued for a compound
4 prescription containing 2 or more compounds; or

5 (10) the prescription is issued by a licensed
6 veterinarian within 2 years after the effective date of
7 this amendatory Act of the 103rd General Assembly.

8 (c) The Department of Financial and Professional
9 Regulation may adopt rules for the administration of this
10 Section to the requirements under this Section that the
11 Department of Financial and Professional Regulation may deem
12 appropriate.

13 (d) Any prescriber who makes a good faith effort to
14 prescribe electronically, but for reasons not within the
15 prescriber's control is unable to prescribe electronically,
16 may be exempt from any disciplinary action.

17 (e) Any pharmacist who dispenses in good faith based upon
18 a valid prescription that is not prescribed electronically may
19 be exempt from any disciplinary action. A pharmacist is not
20 required to ensure or responsible for ensuring the
21 prescriber's compliance under subsection (b), nor may any
22 other entity or organization require a pharmacist to ensure
23 the prescriber's compliance with that subsection. A pharmacist
24 may not refuse to fill a valid prescription solely because it
25 is not prescribed electronically.

26 (f) It shall be a violation of this Section for any

1 prescriber or dispenser to adopt a policy contrary to this
2 Section.

3 (g) A compliance action with respect to this Section
4 initiated by the Department of Financial and Professional
5 Regulation prior to December 31, 2030 is limited to a
6 non-disciplinary warning letter or citation, unless the
7 prescriber fails to abide by the initial non-disciplinary
8 warning letter or citation, has acted in bad faith, or a
9 pattern of practice in violation of this Section occurs.

10 (Source: P.A. 102-490, eff. 1-1-24 (See Section 55 of P.A.
11 102-1109 for effective date of P.A. 102-490); 103-425, eff.
12 1-1-24; 103-563, eff. 11-17-23.)

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