

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 of 1987 is amended by
5 changing Sections 14, 15, and 18 as follows:

6 (225 ILCS 85/14) (from Ch. 111, par. 4134)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 14. Structural and equipment requirements. No person
9 shall establish or move to a new location any pharmacy unless
10 the pharmacy is licensed with the Department and has on file
11 with the Department a verified statement that:

12 (1) such pharmacy is or will be engaged in the practice
13 of pharmacy; and

14 (2) other than a Division VI pharmacy, such pharmacy
15 will have in stock and shall maintain sufficient drugs and
16 materials as to protect the public it serves within 30 days
17 after the issuance of the registration of the pharmacy.

18 Division I, II, III, IV, or V pharmacies shall be in a
19 suitable, well-lighted and well-ventilated area with at least
20 300 square feet of clean and sanitary contiguous space and
21 shall be suitably equipped for compounding prescriptions,
22 storage of drugs and sale of drugs and to otherwise conduct the
23 practice of pharmacy. The space occupied shall be equipped with
24 a sink with hot and cold water or facilities for heating water,
25 proper sewage outlet, refrigeration storage equipment, and
26 such fixtures, facilities, drugs, equipment and material,
27 which shall include the current editions of the United States
28 Pharmacopoeia/DI, Facts and Comparisons, or any other current
29 compendium approved by the Department, and other such reference
30 works, as will enable a pharmacist to practice pharmacy,
31 including this Act and the rules promulgated under this Act.
32 Such pharmacy shall have the following items: accurate weights

1 of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription
2 balance equipped with balance indicator and with mechanical
3 means of arresting the oscillations of the mechanism and which
4 balance shall be sensitive to 0.5 grain (32 mg) or less or an
5 alternative weighing device as approved by the Department, and
6 such other measuring devices as may be necessary for the
7 conduct of the practice of pharmacy.

8 The provisions of this Section with regard to 300 square
9 feet of space shall apply to any pharmacy which is opened after
10 the effective date of this Act. Nothing shall require a
11 pharmacy in existence on the effective date of this Act which
12 is comprised of less than 300 square feet to provide additional
13 space to meet these requirements.

14 Any structural and equipment requirements for a Division VI
15 pharmacy shall be set by rule.

16 (Source: P.A. 92-880, eff. 1-1-04.)

17 (225 ILCS 85/15) (from Ch. 111, par. 4135)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 15. Pharmacy requirements. It shall be unlawful for
20 the owner of any pharmacy, as defined in this Act, to operate
21 or conduct the same, or to allow the same to be operated or
22 conducted, unless:

23 (a) It has a licensed pharmacist, authorized to practice
24 pharmacy in this State under the provisions of this Act, on
25 duty whenever the practice of pharmacy is conducted;

26 (b) Security provisions for all drugs and devices, as
27 determined by rule of the Department, are provided during the
28 absence from the licensed pharmacy of all licensed pharmacists.
29 Maintenance of security provisions is the responsibility of the
30 licensed registered pharmacist in charge; and

31 (c) The pharmacy is licensed under this Act to do business.

32 The Department shall, by rule, provide requirements for
33 each division of pharmacy license and shall, as well provide
34 guidelines for the designation of a registered pharmacist in
35 charge for each division.

1 Division I. Retail Licenses for pharmacies which are open
2 to, or offer pharmacy services to, the general public.

3 Division II. Licenses for pharmacies whose primary
4 pharmacy service is provided to patients or residents of
5 facilities licensed under the Nursing Home Care Act or the
6 Hospital Licensing Act, or "An Act in relation to the founding
7 and operation of the University of Illinois Hospital and the
8 conduct of University of Illinois health care programs",
9 approved July 3, 1931, as amended, and which are not located in
10 the facilities they serve.

11 Division III. Licenses for pharmacies which are located in
12 a facility licensed under the Nursing Home Care Act or the
13 Hospital Licensing Act, or "An Act in relation to the founding
14 and operation of the University of Illinois Hospital and the
15 conduct of University of Illinois health care programs",
16 approved July 3, 1931, as amended, or a facility which is
17 operated by the Department of Human Services (as successor to
18 the Department of Mental Health and Developmental
19 Disabilities) or the Department of Corrections, and which
20 provide pharmacy services to residents or patients of the
21 facility, as well as employees, prescribers and students of the
22 facility.

23 Division IV. Licenses for pharmacies which provide or offer
24 for sale radioactive materials.

25 Division V. Licenses for pharmacies which hold licenses in
26 Division II or Division III which also provide pharmacy
27 services to the general public, or pharmacies which are located
28 in or whose primary pharmacy service is to ambulatory care
29 facilities or schools of veterinary medicine or other such
30 institution or facility.

31 Division VI. Licenses for pharmacies that provide pharmacy
32 services to patients of institutions serviced by pharmacies
33 with a Division II or Division III license, without using their
34 own supply of drugs. Division VI pharmacies may provide
35 pharmacy services only in cooperation with an institution's
36 pharmacy or pharmacy provider. Nothing in this paragraph shall

1 constitute a change to the practice of pharmacy as defined in
2 Section 3 of this Act. Nothing in this amendatory Act of the
3 94th General Assembly shall in any way alter the definition or
4 operation of any other division of pharmacy as provided in this
5 Act.

6 The Director may waive the requirement for a pharmacist to
7 be on duty at all times for State facilities not treating human
8 ailments.

9 It shall be unlawful for any person, who is not a licensed
10 pharmacy or health care facility, to purport to be such or to
11 use in name, title, or sign designating, or in connection with
12 that place of business, any of the words: "pharmacy",
13 "pharmacist", "pharmacy department", "apothecary", "druggist",
14 "drug", "drugs", "medicines", "medicine store", "drug
15 sundries", "prescriptions filled", or any list of words
16 indicating that drugs are compounded or sold to the lay public,
17 or prescriptions are dispensed therein. Each day during which,
18 or a part which, such representation is made or appears or such
19 a sign is allowed to remain upon or in such a place of business
20 shall constitute a separate offense under this Act.

21 The holder of any license or certificate of registration
22 shall conspicuously display it in the pharmacy in which he is
23 engaged in the practice of pharmacy. The registered pharmacist
24 in charge shall conspicuously display his name in such
25 pharmacy. The pharmacy license shall also be conspicuously
26 displayed.

27 (Source: P.A. 92-880, eff. 1-1-04.)

28 (225 ILCS 85/18) (from Ch. 111, par. 4138)

29 (Section scheduled to be repealed on January 1, 2008)

30 Sec. 18. Record retention.

31 (a) Except as provided in subsection (b), there ~~There~~ shall
32 be kept in every drugstore or pharmacy a suitable book, file,
33 or electronic record keeping system in which shall be preserved
34 for a period of not less than 5 years the original of every
35 written prescription and the original transcript or copy of

1 every verbal prescription filled, compounded, or dispensed, in
2 such pharmacy; and such book or file of prescriptions shall at
3 all reasonable times be open to inspection to the pharmacy
4 coordinator and the duly authorized agents or employees of the
5 Department.

6 Every prescription filled or refilled shall contain the
7 unique identifier of the person authorized to practice pharmacy
8 under the provision of this Act who fills or refills the
9 prescription.

10 Records kept pursuant to this Section may be maintained in
11 an alternative data retention system, such as a direct digital
12 imaging system, provided that:

13 (1) the records maintained in the alternative data
14 retention system contain all of the information required in
15 a manual record;

16 (2) the data processing system is capable of producing
17 a hard copy of the electronic record on the request of the
18 Board, its representative, or other authorized local,
19 State, or federal law enforcement or regulatory agency; and

20 (3) the digital images are recorded and stored only by
21 means of a technology that does not allow subsequent
22 revision or replacement of the images.

23 As used in this Section, "digital imaging system" means a
24 system, including people, machines, methods of organization,
25 and procedures, that provides input, storage, processing,
26 communications, output, and control functions for digitized
27 representations of original prescription records.

28 Inpatient drug orders may be maintained within an
29 institution in a manner approved by the Department.

30 (b) The record retention requirements for a Division VI
31 pharmacy shall be set by rule.

32 (Source: P.A. 92-880, eff. 1-1-04.)

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