



Rep. Angelo Saviano

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LRB094 07832 RAS 45010 a

1 AMENDMENT TO HOUSE BILL 1031

2 AMENDMENT NO. _____. Amend House Bill 1031 by replacing
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2008)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

1 proper sewage outlet, refrigeration storage equipment, and
2 such fixtures, facilities, drugs, equipment and material,
3 which shall include the current editions of the United States
4 Pharmacopoeia/DI, Facts and Comparisons, or any other current
5 compendium approved by the Department, and other such reference
6 works, as will enable a pharmacist to practice pharmacy,
7 including this Act and the rules promulgated under this Act.
8 Such pharmacy shall have the following items: accurate weights
9 of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription
10 balance equipped with balance indicator and with mechanical
11 means of arresting the oscillations of the mechanism and which
12 balance shall be sensitive to 0.5 grain (32 mg) or less or an
13 alternative weighing device as approved by the Department, and
14 such other measuring devices as may be necessary for the
15 conduct of the practice of pharmacy.

16 The provisions of this Section with regard to 300 square
17 feet of space shall apply to any pharmacy which is opened after
18 the effective date of this Act. Nothing shall require a
19 pharmacy in existence on the effective date of this Act which
20 is comprised of less than 300 square feet to provide additional
21 space to meet these requirements.

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

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

25 (225 ILCS 85/15) (from Ch. 111, par. 4135)

26 (Section scheduled to be repealed on January 1, 2008)

27 Sec. 15. Pharmacy requirements. It shall be unlawful for
28 the owner of any pharmacy, as defined in this Act, to operate
29 or conduct the same, or to allow the same to be operated or
30 conducted, unless:

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

1 (b) Security provisions for all drugs and devices, as
2 determined by rule of the Department, are provided during the
3 absence from the licensed pharmacy of all licensed pharmacists.
4 Maintenance of security provisions is the responsibility of the
5 licensed registered pharmacist in charge; and

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

7 The Department shall, by rule, provide requirements for
8 each division of pharmacy license and shall, as well provide
9 guidelines for the designation of a registered pharmacist in
10 charge for each division.

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

13 Division II. Licenses for pharmacies whose primary
14 pharmacy service is provided to patients or residents of
15 facilities licensed under the Nursing Home Care Act or the
16 Hospital Licensing Act, or "An Act in relation to the founding
17 and operation of the University of Illinois Hospital and the
18 conduct of University of Illinois health care programs",
19 approved July 3, 1931, as amended, and which are not located in
20 the facilities they serve.

21 Division III. Licenses for pharmacies which are located in
22 a facility licensed under the Nursing Home Care Act or the
23 Hospital Licensing Act, or "An Act in relation to the founding
24 and operation of the University of Illinois Hospital and the
25 conduct of University of Illinois health care programs",
26 approved July 3, 1931, as amended, or a facility which is
27 operated by the Department of Human Services (as successor to
28 the Department of Mental Health and Developmental
29 Disabilities) or the Department of Corrections, and which
30 provide pharmacy services to residents or patients of the
31 facility, as well as employees, prescribers and students of the
32 facility.

33 Division IV. Licenses for pharmacies which provide or offer
34 for sale radioactive materials.

1 Division V. Licenses for pharmacies which hold licenses in
2 Division II or Division III which also provide pharmacy
3 services to the general public, or pharmacies which are located
4 in or whose primary pharmacy service is to ambulatory care
5 facilities or schools of veterinary medicine or other such
6 institution or facility.

7 Division VI. Licenses for pharmacies that provide pharmacy
8 services to patients of institutions serviced by pharmacies
9 with a Division II or Division III license, without using their
10 own supply of drugs. Division VI pharmacies may provide
11 pharmacy services only in cooperation with an institution's
12 pharmacy or pharmacy provider. Nothing in this paragraph shall
13 constitute a change to the practice of pharmacy as defined in
14 Section 3 of this Act. Nothing in this amendatory Act of the
15 94th General Assembly shall in any way alter the definition or
16 operation of any other division of pharmacy as provided in this
17 Act.

18 The Director may waive the requirement for a pharmacist to
19 be on duty at all times for State facilities not treating human
20 ailments.

21 It shall be unlawful for any person, who is not a licensed
22 pharmacy or health care facility, to purport to be such or to
23 use in name, title, or sign designating, or in connection with
24 that place of business, any of the words: "pharmacy",
25 "pharmacist", "pharmacy department", "apothecary", "druggist",
26 "drug", "drugs", "medicines", "medicine store", "drug
27 sundries", "prescriptions filled", or any list of words
28 indicating that drugs are compounded or sold to the lay public,
29 or prescriptions are dispensed therein. Each day during which,
30 or a part which, such representation is made or appears or such
31 a sign is allowed to remain upon or in such a place of business
32 shall constitute a separate offense under this Act.

33 The holder of any license or certificate of registration
34 shall conspicuously display it in the pharmacy in which he is

1 engaged in the practice of pharmacy. The registered pharmacist
2 in charge shall conspicuously display his name in such
3 pharmacy. The pharmacy license shall also be conspicuously
4 displayed.

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

6 (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

8 Sec. 18. Record retention.

9 (a) Except as provided in subsection (b), there ~~There~~ shall
10 be kept in every drugstore or pharmacy a suitable book, file,
11 or electronic record keeping system in which shall be preserved
12 for a period of not less than 5 years the original of every
13 written prescription and the original transcript or copy of
14 every verbal prescription filled, compounded, or dispensed, in
15 such pharmacy; and such book or file of prescriptions shall at
16 all reasonable times be open to inspection to the pharmacy
17 coordinator and the duly authorized agents or employees of the
18 Department.

19 Every prescription filled or refilled shall contain the
20 unique identifier of the person authorized to practice pharmacy
21 under the provision of this Act who fills or refills the
22 prescription.

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

26 (1) the records maintained in the alternative data
27 retention system contain all of the information required in
28 a manual record;

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

33 (3) the digital images are recorded and stored only by

1 means of a technology that does not allow subsequent
2 revision or replacement of the images.

3 As used in this Section, "digital imaging system" means a
4 system, including people, machines, methods of organization,
5 and procedures, that provides input, storage, processing,
6 communications, output, and control functions for digitized
7 representations of original prescription records.

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

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

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

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