

1 AN ACT concerning public health.

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

4 Section 5. The Wholesale Drug Distribution Licensing Act is
5 amended by adding Section 200 as follows:

6 (225 ILCS 120/200 new)

7 Sec. 200. Drugs in shortage.

8 (a) For the purpose of this Section, "drug in shortage"
9 means a drug, as defined in Section 356c of the Federal Food,
10 Drug, and Cosmetic Act, listed on the drug shortage list
11 maintained by the U.S. Food and Drug Administration in
12 accordance with Section 356e of the Federal Food, Drug, and
13 Cosmetic Act.

14 (b) Any person engaged in the wholesale distribution of a
15 drug in shortage in this State must be licensed by the
16 Department.

17 (c) It is unlawful for any person, other than a
18 manufacturer, a manufacturer's exclusive distributor, a third
19 party logistics provider, or an authorized distributor of
20 record, to purchase or receive a drug in shortage from any
21 person not licensed by the Department. This subsection (c) does
22 not apply to the return of drugs or the purchase or receipt of
23 drugs pursuant to any of the distributions that are

1 specifically excluded from the definition of "wholesale
2 distribution" in Section 15 of the Wholesale Drug Distribution
3 Licensing Act.

4 (d) A person found to have violated a provision of this
5 Section shall be subject to administrative fines, orders for
6 restitution, and orders for disgorgement.

7 (e) The Department shall create a centralized, searchable
8 database of those entities licensed to engage in wholesale
9 distribution, including manufacturers, wholesale distributors,
10 and pharmacy distributors, to enable purchasers of a drug in
11 shortage to easily verify the licensing status of an entity
12 offering such drugs.

13 (f) The Department shall establish a system for reporting
14 the reasonable suspicion that a violation of this Act has been
15 committed by a distributor of a drug in shortage. Reports made
16 through this system shall be referred to the Office of the
17 Attorney General and the appropriate State's Attorney's office
18 for further investigation and prosecution.

19 (g) The Department shall adopt rules to carry out the
20 provisions of this Section.

21 (h) Nothing in this Section prohibits one hospital pharmacy
22 from purchasing or receiving a drug in shortage from another
23 hospital pharmacy in the event of a medical emergency.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.