



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3074

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

225 ILCS 15/2	from Ch. 111, par. 5352
225 ILCS 15/4.1 new	
225 ILCS 15/4.2 new	
225 ILCS 15/4.3 new	
225 ILCS 15/4.4 new	
225 ILCS 15/4.5 new	
225 ILCS 15/4.6 new	
225 ILCS 15/4.7 new	
720 ILCS 570/102	from Ch. 56 1/2, par. 1102

Amends the Clinical Psychologist Licensing Act. Provides that the Clinical Psychologists Licensing and Disciplinary Board shall grant certification as prescribing psychologists to doctoral level psychologists licensed under the Act. Provides application requirements for certification as a prescribing psychologist. Provides that the Board shall establish a method for the renewal every 2 years of prescribing psychologist certificates. Provides procedures for safety and record keeping. Provides that when a psychologist is authorized to prescribe controlled substances, a prescribing psychologist shall file, in a timely manner, any individual Drug Enforcement Agency registrations and identification numbers with the Board. Requires certain communication between the Board and the State Board of Pharmacy. Provides requirements for licensure by endorsement. Defines related terms. Amends the Illinois Controlled Substances Act. Includes prescribing psychologist in the definition of "prescriber".

LRB098 10630 MGM 40909 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Clinical Psychologist Licensing Act is
5 amended by changing Section 2 and by adding Sections 4.1, 4.2,
6 4.3, 4.4, 4.5, 4.6, and 4.7 as follows:

7 (225 ILCS 15/2) (from Ch. 111, par. 5352)

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 2. Definitions. As used in this Act:

10 (1) "Department" means the Department of Financial and
11 Professional Regulation.

12 (2) "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 (3) "Board" means the Clinical Psychologists Licensing
15 and Disciplinary Board appointed by the Secretary.

16 (4) "Person" means an individual, association,
17 partnership or corporation.

18 (5) "Clinical psychology" means the independent
19 evaluation, classification and treatment of mental,
20 emotional, behavioral or nervous disorders or conditions,
21 developmental disabilities, alcoholism and substance
22 abuse, disorders of habit or conduct, the psychological
23 aspects of physical illness. The practice of clinical

1 psychology includes psychoeducational evaluation, therapy,
2 remediation and consultation, the use of psychological and
3 neuropsychological testing, assessment, psychotherapy,
4 psychoanalysis, hypnosis, biofeedback, and behavioral
5 modification when any of these are used for the purpose of
6 preventing or eliminating psychopathology, or for the
7 amelioration of psychological disorders of individuals or
8 groups. "Clinical psychology" does not include the use of
9 hypnosis by unlicensed persons pursuant to Section 3.

10 (6) A person represents himself to be a "clinical
11 psychologist" within the meaning of this Act when he or she
12 holds himself out to the public by any title or description
13 of services incorporating the words "psychological",
14 "psychologic", "psychologist", "psychology", or "clinical
15 psychologist" or under such title or description offers to
16 render or renders clinical psychological services as
17 defined in paragraph (7) of this Section to individuals,
18 corporations, or the public for remuneration.

19 (7) "Clinical psychological services" refers to any
20 services under paragraph (5) of this Section if the words
21 "psychological", "psychologic", "psychologist",
22 "psychology" or "clinical psychologist" are used to
23 describe such services by the person or organization
24 offering to render or rendering them.

25 (8) "Drugs" has the meaning given to that term in the
26 Pharmacy Practice Act.

1 (9) "Medicines" has the meaning given to that term in
2 the Pharmacy Practice Act.

3 (10) "Prescription" means an order for a drug,
4 laboratory test, or any medicines, including controlled
5 substances as defined the Illinois Controlled Substances
6 Act, devices, or treatments.

7 (11) "Prescriptive authority" means the authority to
8 prescribe and dispense drugs, medicines, or other
9 treatment procedures.

10 (12) "Prescribing psychologist" means a licensed,
11 doctoral level psychologist who has undergone specialized
12 training, has passed an examination accepted by the Board,
13 and has received a current certificate granting
14 prescriptive authority that has not been revoked or
15 suspended from the Board.

16 This Act shall not apply to persons lawfully carrying on
17 their particular profession or business under any valid
18 existing regulatory Act of the State.

19 (Source: P.A. 94-870, eff. 6-16-06.)

20 (225 ILCS 15/4.1 new)

21 Sec. 4.1. Prescribing psychologist certification;
22 prescriptive authority. The Board shall grant certification as
23 prescribing psychologists to doctoral level psychologists
24 licensed under this Act. The certification shall grant
25 prescribing psychologists prescriptive authority to prescribe

1 and dispense those drugs used in the treatment of mental,
2 emotional, and psychological disorders in accordance with
3 applicable State and federal laws. The Board shall develop and
4 implement procedures and criteria for reviewing educational
5 and training credentials for the certification process and the
6 extent of prescriptive authority, in accordance with current
7 standards of professional practice.

8 (225 ILCS 15/4.2 new)

9 Sec. 4.2. Prescribing psychologist certification
10 application requirements.

11 (a) The Department shall grant prescribing psychologists
12 certification to a psychologist who applies for certification
13 and demonstrates by official transcript or other official
14 evidence satisfactory to the Board:

15 (1) completion of a doctoral program in psychology from
16 a regionally accredited university or professional school
17 or, if the program is not accredited at the time of
18 graduation, completion of a doctoral program in psychology
19 that meets recognized acceptable professional standards as
20 determined by the Board;

21 (2) possession of a current and valid license to
22 practice psychology in the State;

23 (3) graduation with a master's degree in clinical
24 psychopharmacology from a regionally accredited
25 institution, the curriculum of which shall include

1 instruction in anatomy and physiology, biochemistry,
2 neurosciences, pharmacology, psychopharmacology, clinical
3 medicine, pathophysiology, and physical and laboratory
4 assessment.

5 (4) within the 5 years immediately preceding the date
6 of application, certification by the applicant's
7 supervising psychiatrist or physician as having
8 successfully completed a supervised and relevant clinical
9 experience approved by the Board of no less than an 80-hour
10 practicum in clinical assessment and pathophysiology and
11 an additional supervised practicum of at least 400 hours
12 treating no fewer than 100 patients with mental disorders;
13 both practica shall be supervised by an appropriately
14 trained physician or a prescribing psychologist determined
15 by the Board competent to train the applicant in the
16 treatment of a diverse patient population; a portion of the
17 clinical experience shall occur in one or more of the
18 following settings:

19 (A) correctional facilities;

20 (B) federally qualified health centers, as defined
21 in the Social Security Act (42 U.S.C. 1396d); or

22 (C) community service agencies serving the
23 seriously mentally ill;

24 (D) local, State, or federal facilities; and

25 (5) successful completion of a National certifying
26 exam.

1 (225 ILCS 15/4.3 new)

2 Sec. 4.3. Renewal of prescribing psychologist
3 certification.

4 (a) The Board shall establish, by rule, a method for the
5 renewal every 2 years of prescribing psychologist certificates
6 at the time of, or in conjunction with, the renewal of clinical
7 psychology licenses.

8 (b) Each applicant for renewal of prescribing psychologist
9 certification shall present satisfactory evidence to the Board
10 demonstrating the completion of 24 required hours of
11 instruction relevant to prescriptive authority during the 24
12 months prior to application for renewal. A minimum of 20% of a
13 prescribing psychologist's required hours of instruction shall
14 be provided by the Illinois Psychological Association.

15 (225 ILCS 15/4.4 new)

16 Sec. 4.4. Prescribing practices.

17 (a) Every prescription by a prescribing psychologist shall
18 (1) comply with all applicable State and federal laws, (2) be
19 identified as issued by the psychologist as a prescribing
20 psychologist, and (3) include the prescribing psychologist's
21 identification number, as assigned by the Board.

22 (b) Records of all prescriptions shall be maintained in
23 patient records.

24 (c) A prescribing psychologist shall not delegate the

1 prescriptive authority to any other person.

2 (d) A prescribing psychologist shall maintain an ongoing
3 collaborative relationship with the physician, attending
4 physician, or referring physician who oversees the patient's
5 general medical care to ensure that (1) all necessary medical
6 examinations are conducted, (2) all medical and psychological
7 issues are communicated, (3) no prescribed medications are
8 contraindicated, and (4) all significant changes in the
9 patient's medical or psychological condition are communicated.

10 For the purposes of this Section, "collaborative relationship"
11 means a cooperative working relationship between a prescribing
12 psychologist and a physician, attending physician, or
13 referring physician in the provision of patient care, including
14 diagnosis and cooperation in the management and delivery of
15 physical and mental health care.

16 (e) A prescribing psychologist shall undertake the
17 following measures to ensure patient safety:

18 (1) collect a medical and family history;

19 (2) conduct a mental status examination and mental
20 health differential diagnosis;

21 (3) collect information on risk factors related to the
22 diagnostic condition;

23 (4) collect information on food and drug allergies;

24 (5) collect information on patient medications;

25 (6) provide patient education on prescriptions,
26 including dosing requirements and instructions, expected

1 benefits, and potential side effects;

2 (7) record any adverse effects from prescriptions;

3 (8) maintain progress notes, including a follow-up
4 plan, discharge plan, and other plans as needed; and

5 (9) document communication with the patient's
6 physician, attending physician, or referring physician.

7 (f) A prescribing psychologist shall, when prescribing
8 medication or modifying a prescription, communicate within 24
9 hours to the patient's physician, attending physician, or
10 referring physician via phone, fax, or other electronic
11 communication the following:

12 (1) date, time, and duration of the appointment;

13 (2) patient's name and date of birth;

14 (3) patient's height, weight, blood pressure, heart
15 rate, and pulse;

16 (4) key safety issues;

17 (5) all drugs currently prescribed to patient; and

18 (6) all drugs prescribed, dosages, and reason for
19 prescribing.

20 (g) The prescribing psychologist shall be responsible for
21 memorializing all communications with patient's physician,
22 attending physician, or referring physician.

23 (225 ILCS 15/4.5 new)

24 Sec. 4.5. Controlled substance prescriptive authority.

25 (a) When authorized to prescribe controlled substances, a

1 prescribing psychologist shall file, in a timely manner, any
2 individual Drug Enforcement Agency registrations and
3 identification numbers with the Board.

4 (b) The Board shall maintain current records of every
5 prescribing psychologist, including Drug Enforcement Agency
6 registration and identification numbers.

7 (225 ILCS 15/4.6 new)

8 Sec. 4.6. State Board of Pharmacy interaction.

9 (a) The Board shall transmit to the State Board of Pharmacy
10 an annual list of prescribing psychologists containing the
11 following information:

12 (1) the name of the prescribing psychologist;

13 (2) the prescribing psychologist's identification
14 number assigned by the Board; and

15 (3) the effective dates of the prescribing
16 psychologist's certification.

17 (b) The Board shall promptly forward to the Board of
18 Pharmacy the names and titles of psychologists added to or
19 deleted from the annual list of prescribing psychologists.

20 (c) The Board shall notify the State Board of Pharmacy, in
21 a timely manner, upon termination, suspension, or
22 reinstatement of a psychologist's certification as a
23 prescribing psychologist.

24 (225 ILCS 15/4.7 new)

1 Sec. 4.7. Endorsement.

2 (a) Individuals who are already licensed as medical or
3 prescribing psychologists in another state may apply for an
4 Illinois license by endorsement from that state, or acceptance
5 of that state's examination. Applicants from other states may
6 not be required to pass an examination in Illinois if they meet
7 requirements set forth in this Act and its rules, such as proof
8 of education, testing, and experience. The Board shall not
9 issue a license until it has received and approved all
10 documentation.

11 (b) Individuals who graduated from the Department of
12 Defense Psychopharmacology Demonstration Project may apply for
13 an Illinois license by endorsement. Applicants from the
14 Department of Defense Psychopharmacology Demonstration Project
15 may not be required to pass an examination in Illinois if they
16 meet requirements set forth in this Act and its rules, such as
17 proof of education, testing, and experience. The Board shall
18 not issue a license until it has received and approved all
19 documentation.

20 Section 10. The Illinois Controlled Substances Act is
21 amended by changing Section 102 as follows:

22 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

23 Sec. 102. Definitions. As used in this Act, unless the
24 context otherwise requires:

1 (a) "Addict" means any person who habitually uses any drug,
2 chemical, substance or dangerous drug other than alcohol so as
3 to endanger the public morals, health, safety or welfare or who
4 is so far addicted to the use of a dangerous drug or controlled
5 substance other than alcohol as to have lost the power of self
6 control with reference to his or her addiction.

7 (b) "Administer" means the direct application of a
8 controlled substance, whether by injection, inhalation,
9 ingestion, or any other means, to the body of a patient,
10 research subject, or animal (as defined by the Humane
11 Euthanasia in Animal Shelters Act) by:

12 (1) a practitioner (or, in his or her presence, by his
13 or her authorized agent),

14 (2) the patient or research subject pursuant to an
15 order, or

16 (3) a euthanasia technician as defined by the Humane
17 Euthanasia in Animal Shelters Act.

18 (c) "Agent" means an authorized person who acts on behalf
19 of or at the direction of a manufacturer, distributor,
20 dispenser, prescriber, or practitioner. It does not include a
21 common or contract carrier, public warehouseman or employee of
22 the carrier or warehouseman.

23 (c-1) "Anabolic Steroids" means any drug or hormonal
24 substance, chemically and pharmacologically related to
25 testosterone (other than estrogens, progestins,
26 corticosteroids, and dehydroepiandrosterone), and includes:

- 1 (i) 3[beta] ,17-dihydroxy-5a-androstane,
- 2 (ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,
- 3 (iii) 5[alpha] -androstane-3,17-dione,
- 4 (iv) 1-androstenediol (3[beta] ,
- 5 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
- 6 (v) 1-androstenediol (3[alpha] ,
- 7 17[beta] -dihydroxy-5[alpha] -androst-1-ene),
- 8 (vi) 4-androstenediol
- 9 (3[beta] ,17[beta] -dihydroxy-androst-4-ene),
- 10 (vii) 5-androstenediol
- 11 (3[beta] ,17[beta] -dihydroxy-androst-5-ene),
- 12 (viii) 1-androstenedione
- 13 ([5alpha] -androst-1-en-3,17-dione),
- 14 (ix) 4-androstenedione
- 15 (androst-4-en-3,17-dione),
- 16 (x) 5-androstenedione
- 17 (androst-5-en-3,17-dione),
- 18 (xi) bolasterone (7[alpha] ,17a-dimethyl-17[beta] -
- 19 hydroxyandrost-4-en-3-one),
- 20 (xii) boldenone (17[beta] -hydroxyandrost-
- 21 1,4,-diene-3-one),
- 22 (xiii) boldione (androsta-1,4-
- 23 diene-3,17-dione),
- 24 (xiv) calusterone (7[beta] ,17[alpha] -dimethyl-17
- 25 [beta] -hydroxyandrost-4-en-3-one),
- 26 (xv) clostebol (4-chloro-17[beta] -

1 hydroxyandrost-4-en-3-one),
2 (xvi) dehydrochloromethyltestosterone (4-chloro-
3 17[beta] -hydroxy-17[alpha] -methyl-
4 androst-1,4-dien-3-one),
5 (xvii) desoxymethyltestosterone
6 (17[alpha] -methyl-5[alpha]
7 -androst-2-en-17[beta] -ol) (a.k.a., madol),
8 (xviii) [delta] 1-dihydrotestosterone (a.k.a.
9 '1-testosterone') (17[beta] -hydroxy-
10 5[alpha] -androst-1-en-3-one),
11 (xix) 4-dihydrotestosterone (17[beta] -hydroxy-
12 androstan-3-one),
13 (xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-
14 5[alpha] -androstan-3-one),
15 (xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -
16 hydroxyestr-4-ene),
17 (xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-
18 1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one),
19 (xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] ,
20 17[beta] -dihydroxyandrost-1,4-dien-3-one),
21 (xxiv) furazabol (17[alpha] -methyl-17[beta] -
22 hydroxyandrostano[2,3-c] -furazan),
23 (xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)
24 (xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-
25 androst-4-en-3-one),
26 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -

1 dihydroxy-estr-4-en-3-one),
2 (xxviii) mestanolone (17[alpha] -methyl-17[beta] -
3 hydroxy-5-androstan-3-one),
4 (xxix) mesterolone (1-methyl-17[beta] -hydroxy-
5 [5a] -androstan-3-one),
6 (xxx) methandienone (17[alpha] -methyl-17[beta] -
7 hydroxyandrost-1,4-dien-3-one),
8 (xxxii) methandriol (17[alpha] -methyl-3[beta] ,17[beta] -
9 dihydroxyandrost-5-ene),
10 (xxxiii) methenolone (1-methyl-17[beta] -hydroxy-
11 5[alpha] -androst-1-en-3-one),
12 (xxxiiii) 17[alpha] -methyl-3[beta] , 17[beta] -
13 dihydroxy-5a-androstane),
14 (xxxv) 17[alpha] -methyl-3[alpha] ,17[beta] -dihydroxy
15 -5a-androstane),
16 (xxxvi) 17[alpha] -methyl-3[beta] ,17[beta] -
17 dihydroxyandrost-4-ene),
18 (xxxvii) 17[alpha] -methyl-4-hydroxynandrolone (17[alpha] -
19 methyl-4-hydroxy-17[beta] -hydroxyestr-4-en-3-one),
20 (xxxviii) methyldienolone (17[alpha] -methyl-17[beta] -
21 hydroxyestra-4,9(10)-dien-3-one),
22 (xxxix) methyltrienolone (17[alpha] -methyl-17[beta] -
23 hydroxyestra-4,9-11-trien-3-one),
24 (xl) methyltestosterone (17[alpha] -methyl-17[beta] -
25 hydroxyandrost-4-en-3-one),
26 (xli) mibolerone (7[alpha] ,17a-dimethyl-17[beta] -

1 hydroxyestr-4-en-3-one),
2 (xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone
3 (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -
4 androst-1-en-3-one) (a.k.a. '17-[alpha] -methyl-
5 1-testosterone'),
6 (xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one),
7 (xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -
8 dihydroxyestr-4-ene),
9 (xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -
10 dihydroxyestr-4-ene),
11 (xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -
12 dihydroxyestr-5-ene),
13 (xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -
14 dihydroxyestr-5-ene),
15 (xlvii) 19-nor-4,9(10)-androstadienedione
16 (estra-4,9(10)-diene-3,17-dione),
17 (xlviii) 19-nor-4-androstenedione (estr-4-
18 en-3,17-dione),
19 (xlix) 19-nor-5-androstenedione (estr-5-
20 en-3,17-dione),
21 (l) norbolethone (13[beta] , 17a-diethyl-17[beta] -
22 hydroxygon-4-en-3-one),
23 (li) norclostebol (4-chloro-17[beta] -
24 hydroxyestr-4-en-3-one),
25 (lii) norethandrolone (17[alpha] -ethyl-17[beta] -
26 hydroxyestr-4-en-3-one),

- 1 (liii) normethandrolone (17[alpha] -methyl-17[beta] -
2 hydroxyestr-4-en-3-one),
3 (liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-
4 2-oxa-5[alpha] -androstan-3-one),
5 (lv) oxymesterone (17[alpha] -methyl-4,17[beta] -
6 dihydroxyandrost-4-en-3-one),
7 (lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-
8 17[beta] -hydroxy- (5[alpha] -androstan-3-one),
9 (lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-
10 (5[alpha] -androst-2-en[3,2-c] -pyrazole),
11 (lviii) stenbolone (17[beta] -hydroxy-2-methyl-
12 (5[alpha] -androst-1-en-3-one),
13 (lix) testolactone (13-hydroxy-3-oxo-13,17-
14 secoandrosta-1,4-dien-17-oic
15 acid lactone),
16 (lx) testosterone (17[beta] -hydroxyandrost-
17 4-en-3-one),
18 (lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -
19 diethyl-17[beta] -hydroxygon-
20 4,9,11-trien-3-one),
21 (lxii) trenbolone (17[beta] -hydroxyestr-4,9,
22 11-trien-3-one).

23 Any person who is otherwise lawfully in possession of an
24 anabolic steroid, or who otherwise lawfully manufactures,
25 distributes, dispenses, delivers, or possesses with intent to
26 deliver an anabolic steroid, which anabolic steroid is

1 expressly intended for and lawfully allowed to be administered
2 through implants to livestock or other nonhuman species, and
3 which is approved by the Secretary of Health and Human Services
4 for such administration, and which the person intends to
5 administer or have administered through such implants, shall
6 not be considered to be in unauthorized possession or to
7 unlawfully manufacture, distribute, dispense, deliver, or
8 possess with intent to deliver such anabolic steroid for
9 purposes of this Act.

10 (d) "Administration" means the Drug Enforcement
11 Administration, United States Department of Justice, or its
12 successor agency.

13 (d-5) "Clinical Director, Prescription Monitoring Program"
14 means a Department of Human Services administrative employee
15 licensed to either prescribe or dispense controlled substances
16 who shall run the clinical aspects of the Department of Human
17 Services Prescription Monitoring Program and its Prescription
18 Information Library.

19 (d-10) "Compounding" means the preparation and mixing of
20 components, excluding flavorings, (1) as the result of a
21 prescriber's prescription drug order or initiative based on the
22 prescriber-patient-pharmacist relationship in the course of
23 professional practice or (2) for the purpose of, or incident
24 to, research, teaching, or chemical analysis and not for sale
25 or dispensing. "Compounding" includes the preparation of drugs
26 or devices in anticipation of receiving prescription drug

1 orders based on routine, regularly observed dispensing
2 patterns. Commercially available products may be compounded
3 for dispensing to individual patients only if both of the
4 following conditions are met: (i) the commercial product is not
5 reasonably available from normal distribution channels in a
6 timely manner to meet the patient's needs and (ii) the
7 prescribing practitioner has requested that the drug be
8 compounded.

9 (e) "Control" means to add a drug or other substance, or
10 immediate precursor, to a Schedule whether by transfer from
11 another Schedule or otherwise.

12 (f) "Controlled Substance" means (i) a drug, substance, or
13 immediate precursor in the Schedules of Article II of this Act
14 or (ii) a drug or other substance, or immediate precursor,
15 designated as a controlled substance by the Department through
16 administrative rule. The term does not include distilled
17 spirits, wine, malt beverages, or tobacco, as those terms are
18 defined or used in the Liquor Control Act and the Tobacco
19 Products Tax Act.

20 (f-5) "Controlled substance analog" means a substance:

21 (1) the chemical structure of which is substantially
22 similar to the chemical structure of a controlled substance
23 in Schedule I or II;

24 (2) which has a stimulant, depressant, or
25 hallucinogenic effect on the central nervous system that is
26 substantially similar to or greater than the stimulant,

1 depressant, or hallucinogenic effect on the central
2 nervous system of a controlled substance in Schedule I or
3 II; or

4 (3) with respect to a particular person, which such
5 person represents or intends to have a stimulant,
6 depressant, or hallucinogenic effect on the central
7 nervous system that is substantially similar to or greater
8 than the stimulant, depressant, or hallucinogenic effect
9 on the central nervous system of a controlled substance in
10 Schedule I or II.

11 (g) "Counterfeit substance" means a controlled substance,
12 which, or the container or labeling of which, without
13 authorization bears the trademark, trade name, or other
14 identifying mark, imprint, number or device, or any likeness
15 thereof, of a manufacturer, distributor, or dispenser other
16 than the person who in fact manufactured, distributed, or
17 dispensed the substance.

18 (h) "Deliver" or "delivery" means the actual, constructive
19 or attempted transfer of possession of a controlled substance,
20 with or without consideration, whether or not there is an
21 agency relationship.

22 (i) "Department" means the Illinois Department of Human
23 Services (as successor to the Department of Alcoholism and
24 Substance Abuse) or its successor agency.

25 (j) (Blank).

26 (k) "Department of Corrections" means the Department of

1 Corrections of the State of Illinois or its successor agency.

2 (l) "Department of Financial and Professional Regulation"
3 means the Department of Financial and Professional Regulation
4 of the State of Illinois or its successor agency.

5 (m) "Depressant" means any drug that (i) causes an overall
6 depression of central nervous system functions, (ii) causes
7 impaired consciousness and awareness, and (iii) can be
8 habit-forming or lead to a substance abuse problem, including
9 but not limited to alcohol, cannabis and its active principles
10 and their analogs, benzodiazepines and their analogs,
11 barbiturates and their analogs, opioids (natural and
12 synthetic) and their analogs, and chloral hydrate and similar
13 sedative hypnotics.

14 (n) (Blank).

15 (o) "Director" means the Director of the Illinois State
16 Police or his or her designated agents.

17 (p) "Dispense" means to deliver a controlled substance to
18 an ultimate user or research subject by or pursuant to the
19 lawful order of a prescriber, including the prescribing,
20 administering, packaging, labeling, or compounding necessary
21 to prepare the substance for that delivery.

22 (q) "Dispenser" means a practitioner who dispenses.

23 (r) "Distribute" means to deliver, other than by
24 administering or dispensing, a controlled substance.

25 (s) "Distributor" means a person who distributes.

26 (t) "Drug" means (1) substances recognized as drugs in the

1 official United States Pharmacopoeia, Official Homeopathic
2 Pharmacopoeia of the United States, or official National
3 Formulary, or any supplement to any of them; (2) substances
4 intended for use in diagnosis, cure, mitigation, treatment, or
5 prevention of disease in man or animals; (3) substances (other
6 than food) intended to affect the structure of any function of
7 the body of man or animals and (4) substances intended for use
8 as a component of any article specified in clause (1), (2), or
9 (3) of this subsection. It does not include devices or their
10 components, parts, or accessories.

11 (t-5) "Euthanasia agency" means an entity certified by the
12 Department of Financial and Professional Regulation for the
13 purpose of animal euthanasia that holds an animal control
14 facility license or animal shelter license under the Animal
15 Welfare Act. A euthanasia agency is authorized to purchase,
16 store, possess, and utilize Schedule II nonnarcotic and
17 Schedule III nonnarcotic drugs for the sole purpose of animal
18 euthanasia.

19 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
20 substances (nonnarcotic controlled substances) that are used
21 by a euthanasia agency for the purpose of animal euthanasia.

22 (u) "Good faith" means the prescribing or dispensing of a
23 controlled substance by a practitioner in the regular course of
24 professional treatment to or for any person who is under his or
25 her treatment for a pathology or condition other than that
26 individual's physical or psychological dependence upon or

1 addiction to a controlled substance, except as provided herein:
2 and application of the term to a pharmacist shall mean the
3 dispensing of a controlled substance pursuant to the
4 prescriber's order which in the professional judgment of the
5 pharmacist is lawful. The pharmacist shall be guided by
6 accepted professional standards including, but not limited to
7 the following, in making the judgment:

8 (1) lack of consistency of prescriber-patient
9 relationship,

10 (2) frequency of prescriptions for same drug by one
11 prescriber for large numbers of patients,

12 (3) quantities beyond those normally prescribed,

13 (4) unusual dosages (recognizing that there may be
14 clinical circumstances where more or less than the usual
15 dose may be used legitimately),

16 (5) unusual geographic distances between patient,
17 pharmacist and prescriber,

18 (6) consistent prescribing of habit-forming drugs.

19 (u-0.5) "Hallucinogen" means a drug that causes markedly
20 altered sensory perception leading to hallucinations of any
21 type.

22 (u-1) "Home infusion services" means services provided by a
23 pharmacy in compounding solutions for direct administration to
24 a patient in a private residence, long-term care facility, or
25 hospice setting by means of parenteral, intravenous,
26 intramuscular, subcutaneous, or intraspinal infusion.

1 (u-5) "Illinois State Police" means the State Police of the
2 State of Illinois, or its successor agency.

3 (v) "Immediate precursor" means a substance:

4 (1) which the Department has found to be and by rule
5 designated as being a principal compound used, or produced
6 primarily for use, in the manufacture of a controlled
7 substance;

8 (2) which is an immediate chemical intermediary used or
9 likely to be used in the manufacture of such controlled
10 substance; and

11 (3) the control of which is necessary to prevent,
12 curtail or limit the manufacture of such controlled
13 substance.

14 (w) "Instructional activities" means the acts of teaching,
15 educating or instructing by practitioners using controlled
16 substances within educational facilities approved by the State
17 Board of Education or its successor agency.

18 (x) "Local authorities" means a duly organized State,
19 County or Municipal peace unit or police force.

20 (y) "Look-alike substance" means a substance, other than a
21 controlled substance which (1) by overall dosage unit
22 appearance, including shape, color, size, markings or lack
23 thereof, taste, consistency, or any other identifying physical
24 characteristic of the substance, would lead a reasonable person
25 to believe that the substance is a controlled substance, or (2)
26 is expressly or impliedly represented to be a controlled

1 substance or is distributed under circumstances which would
2 lead a reasonable person to believe that the substance is a
3 controlled substance. For the purpose of determining whether
4 the representations made or the circumstances of the
5 distribution would lead a reasonable person to believe the
6 substance to be a controlled substance under this clause (2) of
7 subsection (y), the court or other authority may consider the
8 following factors in addition to any other factor that may be
9 relevant:

10 (a) statements made by the owner or person in control
11 of the substance concerning its nature, use or effect;

12 (b) statements made to the buyer or recipient that the
13 substance may be resold for profit;

14 (c) whether the substance is packaged in a manner
15 normally used for the illegal distribution of controlled
16 substances;

17 (d) whether the distribution or attempted distribution
18 included an exchange of or demand for money or other
19 property as consideration, and whether the amount of the
20 consideration was substantially greater than the
21 reasonable retail market value of the substance.

22 Clause (1) of this subsection (y) shall not apply to a
23 noncontrolled substance in its finished dosage form that was
24 initially introduced into commerce prior to the initial
25 introduction into commerce of a controlled substance in its
26 finished dosage form which it may substantially resemble.

1 Nothing in this subsection (y) prohibits the dispensing or
2 distributing of noncontrolled substances by persons authorized
3 to dispense and distribute controlled substances under this
4 Act, provided that such action would be deemed to be carried
5 out in good faith under subsection (u) if the substances
6 involved were controlled substances.

7 Nothing in this subsection (y) or in this Act prohibits the
8 manufacture, preparation, propagation, compounding,
9 processing, packaging, advertising or distribution of a drug or
10 drugs by any person registered pursuant to Section 510 of the
11 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

12 (y-1) "Mail-order pharmacy" means a pharmacy that is
13 located in a state of the United States that delivers,
14 dispenses or distributes, through the United States Postal
15 Service or other common carrier, to Illinois residents, any
16 substance which requires a prescription.

17 (z) "Manufacture" means the production, preparation,
18 propagation, compounding, conversion or processing of a
19 controlled substance other than methamphetamine, either
20 directly or indirectly, by extraction from substances of
21 natural origin, or independently by means of chemical
22 synthesis, or by a combination of extraction and chemical
23 synthesis, and includes any packaging or repackaging of the
24 substance or labeling of its container, except that this term
25 does not include:

26 (1) by an ultimate user, the preparation or compounding

1 of a controlled substance for his or her own use; or

2 (2) by a practitioner, or his or her authorized agent
3 under his or her supervision, the preparation,
4 compounding, packaging, or labeling of a controlled
5 substance:

6 (a) as an incident to his or her administering or
7 dispensing of a controlled substance in the course of
8 his or her professional practice; or

9 (b) as an incident to lawful research, teaching or
10 chemical analysis and not for sale.

11 (z-1) (Blank).

12 (z-5) "Medication shopping" means the conduct prohibited
13 under subsection (a) of Section 314.5 of this Act.

14 (z-10) "Mid-level practitioner" means (i) a physician
15 assistant who has been delegated authority to prescribe through
16 a written delegation of authority by a physician licensed to
17 practice medicine in all of its branches, in accordance with
18 Section 7.5 of the Physician Assistant Practice Act of 1987,
19 (ii) an advanced practice nurse who has been delegated
20 authority to prescribe through a written delegation of
21 authority by a physician licensed to practice medicine in all
22 of its branches or by a podiatrist, in accordance with Section
23 65-40 of the Nurse Practice Act, or (iii) an animal euthanasia
24 agency.

25 (aa) "Narcotic drug" means any of the following, whether
26 produced directly or indirectly by extraction from substances

1 of vegetable origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical
3 synthesis:

4 (1) opium, opiates, derivatives of opium and opiates,
5 including their isomers, esters, ethers, salts, and salts
6 of isomers, esters, and ethers, whenever the existence of
7 such isomers, esters, ethers, and salts is possible within
8 the specific chemical designation; however the term
9 "narcotic drug" does not include the isoquinoline
10 alkaloids of opium;

11 (2) (blank);

12 (3) opium poppy and poppy straw;

13 (4) coca leaves, except coca leaves and extracts of
14 coca leaves from which substantially all of the cocaine and
15 ecgonine, and their isomers, derivatives and salts, have
16 been removed;

17 (5) cocaine, its salts, optical and geometric isomers,
18 and salts of isomers;

19 (6) ecgonine, its derivatives, their salts, isomers,
20 and salts of isomers;

21 (7) any compound, mixture, or preparation which
22 contains any quantity of any of the substances referred to
23 in subparagraphs (1) through (6).

24 (bb) "Nurse" means a registered nurse licensed under the
25 Nurse Practice Act.

26 (cc) (Blank).

1 (dd) "Opiate" means any substance having an addiction
2 forming or addiction sustaining liability similar to morphine
3 or being capable of conversion into a drug having addiction
4 forming or addiction sustaining liability.

5 (ee) "Opium poppy" means the plant of the species *Papaver*
6 *somniferum* L., except its seeds.

7 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
8 solution or other liquid form of medication intended for
9 administration by mouth, but the term does not include a form
10 of medication intended for buccal, sublingual, or transmucosal
11 administration.

12 (ff) "Parole and Pardon Board" means the Parole and Pardon
13 Board of the State of Illinois or its successor agency.

14 (gg) "Person" means any individual, corporation,
15 mail-order pharmacy, government or governmental subdivision or
16 agency, business trust, estate, trust, partnership or
17 association, or any other entity.

18 (hh) "Pharmacist" means any person who holds a license or
19 certificate of registration as a registered pharmacist, a local
20 registered pharmacist or a registered assistant pharmacist
21 under the Pharmacy Practice Act.

22 (ii) "Pharmacy" means any store, ship or other place in
23 which pharmacy is authorized to be practiced under the Pharmacy
24 Practice Act.

25 (ii-5) "Pharmacy shopping" means the conduct prohibited
26 under subsection (b) of Section 314.5 of this Act.

1 (ii-10) "Physician" (except when the context otherwise
2 requires) means a person licensed to practice medicine in all
3 of its branches.

4 (jj) "Poppy straw" means all parts, except the seeds, of
5 the opium poppy, after mowing.

6 (kk) "Practitioner" means a physician licensed to practice
7 medicine in all its branches, dentist, optometrist,
8 podiatrist, veterinarian, scientific investigator, pharmacist,
9 physician assistant, advanced practice nurse, licensed
10 practical nurse, registered nurse, hospital, laboratory, or
11 pharmacy, or other person licensed, registered, or otherwise
12 lawfully permitted by the United States or this State to
13 distribute, dispense, conduct research with respect to,
14 administer or use in teaching or chemical analysis, a
15 controlled substance in the course of professional practice or
16 research.

17 (ll) "Pre-printed prescription" means a written
18 prescription upon which the designated drug has been indicated
19 prior to the time of issuance; the term does not mean a written
20 prescription that is individually generated by machine or
21 computer in the prescriber's office.

22 (mm) "Prescriber" means a physician licensed to practice
23 medicine in all its branches, dentist, optometrist,
24 prescribing psychologist certified under the Clinical
25 Psychologist Licensing Act, podiatrist, or veterinarian who
26 issues a prescription, a physician assistant who issues a

1 prescription for a controlled substance in accordance with
2 Section 303.05, a written delegation, and a written supervision
3 agreement required under Section 7.5 of the Physician Assistant
4 Practice Act of 1987, or an advanced practice nurse with
5 prescriptive authority delegated under Section 65-40 of the
6 Nurse Practice Act and in accordance with Section 303.05, a
7 written delegation, and a written collaborative agreement
8 under Section 65-35 of the Nurse Practice Act.

9 (nn) "Prescription" means a written, facsimile, or oral
10 order, or an electronic order that complies with applicable
11 federal requirements, of a physician licensed to practice
12 medicine in all its branches, dentist, podiatrist or
13 veterinarian for any controlled substance, of an optometrist
14 for a Schedule III, IV, or V controlled substance in accordance
15 with Section 15.1 of the Illinois Optometric Practice Act of
16 1987, of a physician assistant for a controlled substance in
17 accordance with Section 303.05, a written delegation, and a
18 written supervision agreement required under Section 7.5 of the
19 Physician Assistant Practice Act of 1987, or of an advanced
20 practice nurse with prescriptive authority delegated under
21 Section 65-40 of the Nurse Practice Act who issues a
22 prescription for a controlled substance in accordance with
23 Section 303.05, a written delegation, and a written
24 collaborative agreement under Section 65-35 of the Nurse
25 Practice Act when required by law.

26 (nn-5) "Prescription Information Library" (PIL) means an

1 electronic library that contains reported controlled substance
2 data.

3 (nn-10) "Prescription Monitoring Program" (PMP) means the
4 entity that collects, tracks, and stores reported data on
5 controlled substances and select drugs pursuant to Section 316.

6 (oo) "Production" or "produce" means manufacture,
7 planting, cultivating, growing, or harvesting of a controlled
8 substance other than methamphetamine.

9 (pp) "Registrant" means every person who is required to
10 register under Section 302 of this Act.

11 (qq) "Registry number" means the number assigned to each
12 person authorized to handle controlled substances under the
13 laws of the United States and of this State.

14 (qq-5) "Secretary" means, as the context requires, either
15 the Secretary of the Department or the Secretary of the
16 Department of Financial and Professional Regulation, and the
17 Secretary's designated agents.

18 (rr) "State" includes the State of Illinois and any state,
19 district, commonwealth, territory, insular possession thereof,
20 and any area subject to the legal authority of the United
21 States of America.

22 (rr-5) "Stimulant" means any drug that (i) causes an
23 overall excitation of central nervous system functions, (ii)
24 causes impaired consciousness and awareness, and (iii) can be
25 habit-forming or lead to a substance abuse problem, including
26 but not limited to amphetamines and their analogs,

1 methylphenidate and its analogs, cocaine, and phencyclidine
2 and its analogs.

3 (ss) "Ultimate user" means a person who lawfully possesses
4 a controlled substance for his or her own use or for the use of
5 a member of his or her household or for administering to an
6 animal owned by him or her or by a member of his or her
7 household.

8 (Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09;
9 97-334, eff. 1-1-12.)