



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0689

Introduced 2/3/2015, by Sen. Matt Murphy

#### SYNOPSIS AS INTRODUCED:

225 ILCS 85/16b  
720 ILCS 570/302

from Ch. 56 1/2, par. 1302

Amends the Pharmacy Practice Act. Provides that a patient's agent for picking up prescription orders from the prescriber or delivering prescription drugs to a patient includes an advanced practice nurse, practical nurse, or registered nurse licensed under the Nurse Practice Act who provides hospice services to a hospice patient or who provides home health services to a person. Amends the Illinois Controlled Substances Act. Provides that an advanced practice nurse, practical nurse, or registered nurse licensed under the Nurse Practice Act who provides hospice services to a hospice patient or who provides home health services to a person may lawfully possess controlled substances prescribed for the patient under a lawful prescription of a practitioner.

LRB099 02679 RLC 22686 b

1 AN ACT concerning health.

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 is amended by changing  
5 Section 16b as follows:

6 (225 ILCS 85/16b)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 16b. Prescription pick up and drop off. Nothing  
9 contained in this Act shall prohibit a pharmacist or pharmacy,  
10 by means of its employee or by use of a common carrier or the  
11 U.S. mail, at the request of the patient, from picking up  
12 prescription orders from the prescriber or delivering  
13 prescription drugs to the patient or the patient's agent,  
14 including an advanced practice nurse, practical nurse, or  
15 registered nurse licensed under the Nurse Practice Act who  
16 provides hospice services to a hospice patient or who provides  
17 home health services to a person, at the residence or place of  
18 employment of the person for whom the prescription was issued  
19 or at the hospital or medical care facility in which the  
20 patient is confined. Conversely, the patient or patient's agent  
21 may drop off prescriptions at a designated area. In this  
22 Section, "home health services" has the meaning ascribed to it  
23 in the Home Health, Home Services, and Home Nursing Agency

1 Licensing Act; and "hospice patient" and "hospice services"  
2 have the meanings ascribed to them in the Hospice Program  
3 Licensing Act.

4 (Source: P.A. 95-689, eff. 10-29-07.)

5 Section 10. The Illinois Controlled Substances Act is  
6 amended by changing Section 302 as follows:

7 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

8 Sec. 302. (a) Every person who manufactures, distributes,  
9 or dispenses any controlled substances, or engages in chemical  
10 analysis, and instructional activities which utilize  
11 controlled substances, or who purchases, stores, or  
12 administers euthanasia drugs, within this State or who proposes  
13 to engage in the manufacture, distribution, or dispensing of  
14 any controlled substance, or to engage in chemical analysis,  
15 and instructional activities which utilize controlled  
16 substances, or to engage in purchasing, storing, or  
17 administering euthanasia drugs, within this State, must obtain  
18 a registration issued by the Department of Financial and  
19 Professional Regulation in accordance with its rules. The rules  
20 shall include, but not be limited to, setting the expiration  
21 date and renewal period for each registration under this Act.  
22 The Department, any facility or service licensed by the  
23 Department, and any veterinary hospital or clinic operated by a  
24 veterinarian or veterinarians licensed under the Veterinary

1 Medicine and Surgery Practice Act of 2004 or maintained by a  
2 State-supported or publicly funded university or college shall  
3 be exempt from the regulation requirements of this Section;  
4 however, such exemption shall not operate to bar the University  
5 of Illinois from requesting, nor the Department of Financial  
6 and Professional Regulation from issuing, a registration to the  
7 University of Illinois Veterinary Teaching Hospital under this  
8 Act. Neither a request for such registration nor the issuance  
9 of such registration to the University of Illinois shall  
10 operate to otherwise waive or modify the exemption provided in  
11 this subsection (a).

12 (b) Persons registered by the Department of Financial and  
13 Professional Regulation under this Act to manufacture,  
14 distribute, or dispense controlled substances, or purchase,  
15 store, or administer euthanasia drugs, may possess,  
16 manufacture, distribute, or dispense those substances, or  
17 purchase, store, or administer euthanasia drugs, to the extent  
18 authorized by their registration and in conformity with the  
19 other provisions of this Article.

20 (c) The following persons need not register and may  
21 lawfully possess controlled substances under this Act:

22 (1) an agent or employee of any registered  
23 manufacturer, distributor, or dispenser of any controlled  
24 substance if he or she is acting in the usual course of his  
25 or her employer's lawful business or employment;

26 (2) a common or contract carrier or warehouseman, or an

1 agent or employee thereof, whose possession of any  
2 controlled substance is in the usual lawful course of such  
3 business or employment;

4 (3) an ultimate user or a person in possession of a  
5 controlled substance prescribed for the ultimate user  
6 under a lawful prescription of a practitioner, including an  
7 advanced practice nurse, practical nurse, or registered  
8 nurse licensed under the Nurse Practice Act who provides  
9 hospice services to a hospice patient or who provides home  
10 health services to a person, or a person in possession of  
11 any controlled substance pursuant to a lawful prescription  
12 of a practitioner or in lawful possession of a Schedule V  
13 substance. In this Section, "home health services" has the  
14 meaning ascribed to it in the Home Health, Home Services,  
15 and Home Nursing Agency Licensing Act; and "hospice  
16 patient" and "hospice services" have the meanings ascribed  
17 to them in the Hospice Program Licensing Act;

18 (4) officers and employees of this State or of the  
19 United States while acting in the lawful course of their  
20 official duties which requires possession of controlled  
21 substances;

22 (5) a registered pharmacist who is employed in, or the  
23 owner of, a pharmacy licensed under this Act and the  
24 Federal Controlled Substances Act, at the licensed  
25 location, or if he or she is acting in the usual course of  
26 his or her lawful profession, business, or employment.

1           (d) A separate registration is required at each place of  
2 business or professional practice where the applicant  
3 manufactures, distributes, or dispenses controlled substances,  
4 or purchases, stores, or administers euthanasia drugs. Persons  
5 are required to obtain a separate registration for each place  
6 of business or professional practice where controlled  
7 substances are located or stored. A separate registration is  
8 not required for every location at which a controlled substance  
9 may be prescribed.

10           (e) The Department of Financial and Professional  
11 Regulation or the Illinois State Police may inspect the  
12 controlled premises, as defined in Section 502 of this Act, of  
13 a registrant or applicant for registration in accordance with  
14 this Act and the rules promulgated hereunder and with regard to  
15 persons licensed by the Department, in accordance with  
16 subsection (bb) of Section 30-5 of the Alcoholism and Other  
17 Drug Abuse and Dependency Act and the rules and regulations  
18 promulgated thereunder.

19           (Source: P.A. 96-219, eff. 8-10-09; 97-126, eff. 7-14-11;  
20 97-334, eff. 1-1-12; 97-813, eff. 7-13-12.)