

AN ACT concerning criminal law.

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

Section 5. The Hypodermic Syringes and Needles Act is amended by changing Sections 1, 2, 2.5, and 5 as follows:

(720 ILCS 635/1) (from Ch. 38, par. 22-50)

Sec. 1. Possession of hypodermic syringes and needles.

(a) Except as provided in subsection (b), no person, not being a physician, dentist, chiropodist or veterinarian licensed under the laws of this State or of the state where he resides, or a registered professional nurse, or a registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, registered pharmacist, manufacturer of surgical instruments, industrial user, official of any government having possession of the articles hereinafter mentioned by reason of his or her official duties, nurse or a medical laboratory technician acting under the direction of a physician or dentist, employee of an incorporated hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of the ~~such~~ articles, or the holder of a permit issued under Section 5 of this Act, or a farmer engaged in the use of the ~~such~~ instruments on

livestock, or a person engaged in chemical, clinical, pharmaceutical or other scientific research, shall have in his or her possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the use of controlled substances or cannabis by subcutaneous injection.

(b) A person who is at least 18 years of age may purchase from a pharmacy and have in his or her possession up to 100 ~~20~~ hypodermic syringes or needles.

(Source: P.A. 93-392, eff. 7-25-03.)

(720 ILCS 635/2) (from Ch. 38, par. 22-51)

Sec. 2. Sale of hypodermic syringes and needles.

(a) Except as provided in subsection (b), no ~~such~~ syringe, needle or instrument shall be delivered or sold to, or exchanged with, any person except a registered pharmacist, physician, dentist, veterinarian, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, industrial user, a nurse upon the written order of a physician or dentist, the holder of a permit issued under Section 5 of this Act, a registered chiropodist, or an employee of an incorporated hospital upon the written order of its superintendent or officer in immediate charge; provided that the provisions of this Act shall not prohibit the sale, possession or use of hypodermic syringes or hypodermic needles for treatment of livestock or poultry by the owner or keeper thereof or a person engaged in chemical,

clinical, pharmaceutical or other scientific research.

(b) A pharmacist may sell up to 100 ~~20~~ sterile hypodermic syringes or needles to a person who is at least 18 years of age. A syringe or needle sold under this subsection (b) must be stored at a pharmacy and in a manner that limits access to the syringes or needles to pharmacists employed at the pharmacy and any persons designated by the pharmacists. A syringe or needle sold at a pharmacy under this subsection (b) may be sold only from the pharmacy department of the pharmacy.

(Source: P.A. 93-392, eff. 7-25-03.)

(720 ILCS 635/2.5)

Sec. 2.5. Guidelines ~~Educational materials; guidelines~~ for disposal.

(a) (Blank). ~~The Illinois Department of Public Health must develop educational materials and make copies of the educational materials available to pharmacists. Pharmacists must make these educational materials available to persons who purchase syringes and needles as authorized under subsection (b) of Section 1. The educational materials must include information regarding safer injection, HIV prevention, syringe and needle disposal, and drug treatment.~~

(b) The Illinois Department of Public Health must create guidelines to advise local health departments on implementing syringe and needle disposal policies that are consistent with or more stringent than any available guidelines regarding

disposal for home health care products provided by the United States Environmental Protection Agency.

(Source: P.A. 93-392, eff. 7-25-03.)

(720 ILCS 635/5) (from Ch. 38, par. 22-54)

Sec. 5. Prescriptions.

(a) As used in this Section, "prescriber" has the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act.

(b) Except as provided under Section 2, a prescriber ~~licensed physician~~ may direct a patient under his or her immediate charge to have in possession any of the instruments specified in Sections 1 and 2 which may be dispensed by a registered pharmacist ~~or assistant registered pharmacist~~ in this state only (1) upon a written prescription of the prescriber ~~such physician~~, or (2) upon an oral or electronic order of the prescriber ~~such physician~~, which order is reduced promptly to writing and filed by the pharmacist, or (3) by refilling any ~~such~~ written, ~~or~~ oral, or electronic prescription if the ~~such~~ refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist in the same manner and under the same conditions as any other prescription issued by a practitioner licensed by law to write prescriptions, or (4) upon a signed statement of a patient, upon proper identification, stating that the prescriptions or

instruments specified in Sections 1 and 2 were lost or broken, as the case may be, the name and address of the prescriber, the name and address of the patient and the purpose for which the prescription was ordered. The ~~Such~~ written, ~~or~~ oral, or electronic prescriptions when reduced to writing for instruments specified in Sections 1 and 2 shall contain the date of the ~~such~~ prescription, the name and address of the prescriber, the name and address of the patient, the purpose for which the prescription is ordered, the date when dispensed and by whom dispensed.

Provided, however, that a licensed physician or other allied medical practitioner, authorized by the laws of the State of Illinois to prescribe or administer controlled substances or cannabis to humans or animals, may authorize any person or the owner of any animal, to purchase and have in his or her possession any of the instruments specified in Sections 1 and 2, which may be sold to him without a specific written, ~~or~~ oral, or electronic prescription or order, by any person authorized by the laws of the State of Illinois to sell and dispense controlled substances or cannabis, if the ~~such~~ authorization is in the form of a certificate giving the name and address of the ~~such~~ licensed physician or other allied medical practitioner, the name, address and signature of the person, or of the owner of the animal, so authorized, the purpose or reason of the ~~such~~ authorization, and the date of the ~~such~~ certificate and in that event, no other prescription,

Public Act 100-0326

SB1944 Enrolled

LRB100 09873 RLC 20043 b

writing or record shall be required to authorize the possession
or sale of the ~~such~~ instruments.

(Source: P.A. 93-392, eff. 7-25-03.)