

Summary of the Recent Legislation Regarding Pharmacy Working Conditions

The information below is a summary of the recently enacted amendments to the Pharmacy Practice Act contained in Senate Bill 2104. If you have any specific question about the summary, please review the Pharmacy Practice Act and Public Act 101-0621 directly. Please note that this summary is to be construed as an informal statement reflecting the interpretation of the Department and is not intended as an official opinion of the State of Illinois. Only the Attorney General of the State of Illinois is empowered to render formal opinions concerning the laws of this State.

225 ILCS 85/15.1 - Section 15.1 Pharmacy Working Conditions

Except in the case of an emergency, the following restrictions apply to pharmacies:

- The workday for a pharmacist, student pharmacist and pharmacy technician shall not exceed 12 hours including breaks;
- If a pharmacist has to work 6 continuous hours or longer in a day, he or she will be allowed to take one 30-minute uninterrupted meal break and one 15-minute break during the day;
- If a pharmacist has to work 12 continuous hours or longer in a day, he or she will be allowed to take one 30-minute uninterrupted meal break and two 15-minute breaks during the day; and
- A pharmacist who is entitled to a meal break cannot be required to work more than 5 continuous hours (So, a pharmacist who is required to work 6 hours or longer cannot be given a meal break during the last half hour of their shift).

An emergency occurs when a pharmacist, student pharmacist or pharmacy technician is required to work to minimize an immediate health risk to patients, as deemed necessary by the professional judgment of the pharmacist. If a pharmacy is staffed by two or more pharmacists, the pharmacists shall stagger breaks so that at least one pharmacist remains on duty during all times that the pharmacy remains open for the transaction of business. A pharmacy must keep and maintain complete and accurate records, in electronic or paper form, and in sufficient detail to show that, absent an emergency:

- Pharmacists, student pharmacists and pharmacy technicians have not been required to work longer than 12 continuous hours;
- Pharmacists are allowed to take one 30-minute uninterrupted meal break and one 15-minute break during the day, if he or she has to work 6 continuous hours or longer in a day;
- Pharmacists are allowed to take one 30-minute uninterrupted meal break and two 15-minute breaks during the day, if he or she has to work 12 continuous hours or longer in a day; and
- Pharmacists, who are entitled to a meal break, have not worked more than 5 continuous hours prior to being allowed to take the meal break.

If a pharmacy or a building where a pharmacy is located has a private break room, the pharmacist must be given access to the break room and be permitted to have breaks in that room. The pharmacy can close while the pharmacist is on break, but it is not required to do so. If the pharmacy does not close, the pharmacist has to remain in the pharmacy or establishment where the pharmacy is located during the break for any emergencies. If the pharmacy remains open:

- Pharmacy technicians and student pharmacists can continue duties that they are permitted to do;
- Only prescriptions approved by the pharmacist that do not require counseling can be dispensed; and
- If an approved prescription requires counseling, the person picking up the prescription can wait for the return of the pharmacist or can purchase the prescription and then the pharmacist must try to reach the patient or their representative by phone at least twice to provide counseling and must document those attempts to contact the patient.