



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2638

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 570/315.7 new

Amends the Illinois Controlled Substances Act. Provides that a prescriber shall offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient when one or more of the following conditions are present: (1) the prescription dosage for the patient is 90 or more morphine milligram equivalents of an opioid medication per day; (2) an opioid medication is prescribed concurrently with a prescription for benzodiazepine; (3) the patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant. Provides other requirements and exemptions. Makes other changes. Effective January 1, 2020.

LRB101 08658 SLF 53742 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Controlled Substances Act is
5 amended by adding Section 315.7 as follows:

6 (720 ILCS 570/315.7 new)

7 Sec. 315.7. Prescriber requirements; opioid depression.

8 (a) Notwithstanding any provision of law to the contrary, a
9 prescriber shall:

10 (1) Offer a prescription for naloxone hydrochloride or
11 another drug approved by the United States Food and Drug
12 Administration for the complete or partial reversal of
13 opioid depression to a patient when one or more of the
14 following conditions are present:

15 (A) The prescription dosage for the patient is 90
16 or more morphine milligram equivalents of an opioid
17 medication per day.

18 (B) An opioid medication is prescribed
19 concurrently with a prescription for benzodiazepine.

20 (C) The patient presents with an increased risk for
21 overdose, including a patient with a history of
22 overdose, a patient with a history of substance use
23 disorder, or a patient at risk for returning to a high

1 dose of opioid medication to which the patient is no
2 longer tolerant.

3 (2) Consistent with the existing standard of care,
4 provide education to patients receiving a prescription
5 under paragraph (1) of this subsection (a) on overdose
6 prevention and the use of naloxone hydrochloride or another
7 drug approved by the United States Food and Drug
8 Administration for the complete or partial reversal of
9 opioid depression.

10 (3) Consistent with the existing standard of care,
11 provide education on overdose prevention and the use of
12 naloxone hydrochloride or another drug approved by the
13 United States Food and Drug Administration for the complete
14 or partial reversal of opioid depression to one or more
15 persons designated by the patient, or, for a patient who is
16 a minor, to the minor's parent or guardian.

17 (b) This Section does not apply to a prescriber when
18 prescribing to an inmate or youth under the jurisdiction of the
19 Department of Corrections or the Department of Juvenile
20 Justice.

21 (c) A prescriber who does not comply with subsection (a) is
22 subject to administrative sanctions under the appropriate
23 licensing board. This Section does not create a private right
24 of action against a prescriber and does not limit a
25 prescriber's liability for the negligent failure to diagnose or
26 treat a patient.

1 Section 99. Effective date. This Act takes effect January
2 1, 2020.