

# SB3659



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3659

Introduced 2/14/2020, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/322 new

Amends the Illinois Controlled Substances Act. Provides that a prescriber shall offer a prescription for naloxone hydrochloride, or another similar drug approved by the Food and Drug Administration, under specified circumstances. Provides for educational information to be provided concerning overdose prevention and the use of naloxone hydrochloride. Provides that a prescriber who does not comply with specified requirements shall be subject to administrative sanctions under the appropriate licensing board. Specifies that the provisions do not create a private right of action against a prescriber, and do not limit a prescriber's liability for the negligent failure to diagnose or treat a patient.

LRB101 18151 RLC 67592 b

A BILL FOR

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 322 as follows:

6 (720 ILCS 570/322 new)

7 Sec. 322. Naloxone hydrochloride prescription.

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 met:

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

18 (ii) an opioid medication is prescribed  
19 concurrently with a prescription for benzodiazepine;  
20 or

21 (iii) the patient presents with an increased risk  
22 for overdose, including a patient with a history of  
23 overdose, a patient with a history of substance use

1 disorder, or a patient at risk for returning to a high  
2 dose of opioid medication to which the patient is no  
3 longer tolerant;

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

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

18 (b) A prescriber who does not comply with the requirements  
19 of this Section shall be subject to administrative sanctions  
20 under the appropriate licensing board. This Section does not  
21 create a private right of action against a prescriber, and does  
22 not limit a prescriber's liability for the negligent failure to  
23 diagnose or treat a patient.