



Sen. Laura Ellman

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10200HB3445sam002

LRB102 13298 KMF 26982 a

1 AMENDMENT TO HOUSE BILL 3445

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3445 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Opioid  
6 Overdose Reduction Act.

7 (b) References to Act. This Act may be referred to as  
8 Alex's Law.

9 Section 5. The Illinois Controlled Substances Act is  
10 amended by changing Section 414 as follows:

11 (720 ILCS 570/414)

12 Sec. 414. Overdose; limited immunity.

13 (a) For the purposes of this Section, "overdose" means a  
14 controlled substance-induced physiological event that results  
15 in a life-threatening emergency to the individual who

1 ingested, inhaled, injected or otherwise bodily absorbed a  
2 controlled, counterfeit, or look-alike substance or a  
3 controlled substance analog.

4 (b) A person who, in good faith, seeks or obtains  
5 emergency medical assistance for someone experiencing an  
6 overdose shall not be arrested, charged, or prosecuted for a  
7 violation of Section 401 or 402 of the Illinois Controlled  
8 Substances Act, Section 3.5 of the Drug Paraphernalia Control  
9 Act, Section 55 or 60 of the Methamphetamine Control and  
10 Community Protection Act, Section 9-3.3 of the Criminal Code  
11 of 2012, or paragraph (1) of subsection (g) of Section 12-3.05  
12 of the Criminal Code of 2012 if evidence for the violation was  
13 acquired as a result of the person seeking or obtaining  
14 emergency medical assistance and providing the amount of  
15 substance recovered is within the amount identified in  
16 subsection (d) of this Section. The violations listed in this  
17 subsection (b) must not serve as the sole basis of a violation  
18 of parole, mandatory supervised release, probation, or  
19 conditional discharge, a person's pretrial release, or  
20 furlough, or any seizure of property under any State law  
21 authorizing civil forfeiture so long as the evidence for the  
22 violation was acquired as a result of the person seeking or  
23 obtaining emergency medical assistance in the event of an  
24 overdose.

25 (c) A person who is experiencing an overdose shall not be  
26 arrested, charged, or prosecuted for a violation of Section

1 401 or 402 of the Illinois Controlled Substances Act, Section  
2 3.5 of the Drug Paraphernalia Control Act, Section 9-3.3 of  
3 the Criminal Code of 2012, or paragraph (1) of subsection (g)  
4 of Section 12-3.05 of the Criminal Code of 2012 if evidence for  
5 the violation was acquired as a result of the person seeking or  
6 obtaining emergency medical assistance and providing the  
7 amount of substance recovered is within the amount identified  
8 in subsection (d) of this Section. The violations listed in  
9 this subsection (c) must not serve as the sole basis of a  
10 violation of parole, mandatory supervised release, probation,  
11 or conditional discharge, or any seizure of property under any  
12 State law authorizing civil forfeiture so long as the evidence  
13 for the violation was acquired as a result of the person  
14 seeking or obtaining emergency medical assistance in the event  
15 of an overdose.

16 (d) For the purposes of subsections (b) and (c), the  
17 limited immunity shall only apply to a person possessing the  
18 following amount:

19 (1) less than 3 grams of a substance containing  
20 heroin;

21 (2) less than 3 grams of a substance containing  
22 cocaine;

23 (3) less than 3 grams of a substance containing  
24 morphine;

25 (4) less than 40 grams of a substance containing  
26 peyote;

1           (5) less than 40 grams of a substance containing a  
2 derivative of barbituric acid or any of the salts of a  
3 derivative of barbituric acid;

4           (6) less than 40 grams of a substance containing  
5 amphetamine or any salt of an optical isomer of  
6 amphetamine;

7           (7) less than 3 grams of a substance containing  
8 lysergic acid diethylamide (LSD), or an analog thereof;

9           (8) less than 6 grams of a substance containing  
10 pentazocine or any of the salts, isomers and salts of  
11 isomers of pentazocine, or an analog thereof;

12           (9) less than 6 grams of a substance containing  
13 methaqualone or any of the salts, isomers and salts of  
14 isomers of methaqualone;

15           (10) less than 6 grams of a substance containing  
16 phencyclidine or any of the salts, isomers and salts of  
17 isomers of phencyclidine (PCP);

18           (11) less than 6 grams of a substance containing  
19 ketamine or any of the salts, isomers and salts of isomers  
20 of ketamine;

21           (12) less than 40 grams of a substance containing a  
22 substance classified as a narcotic drug in Schedules I or  
23 II, or an analog thereof, which is not otherwise included  
24 in this subsection.

25           (e) The limited immunity described in subsections (b) and  
26 (c) of this Section shall not be extended if law enforcement

1 has reasonable suspicion or probable cause to detain, arrest,  
2 or search the person described in subsection (b) or (c) of this  
3 Section for criminal activity and the reasonable suspicion or  
4 probable cause is based on information obtained prior to or  
5 independent of the individual described in subsection (b) or  
6 (c) taking action to seek or obtain emergency medical  
7 assistance and not obtained as a direct result of the action of  
8 seeking or obtaining emergency medical assistance. Nothing in  
9 this Section is intended to interfere with or prevent the  
10 investigation, arrest, or prosecution of any person for the  
11 delivery or distribution of cannabis, methamphetamine or other  
12 controlled substances, drug-induced homicide, or any other  
13 crime if the evidence of the violation is not acquired as a  
14 result of the person seeking or obtaining emergency medical  
15 assistance in the event of an overdose.

16 (Source: P.A. 102-4, eff. 4-27-21.)

17 Section 99. Effective date. This Act takes effect January  
18 1, 2022."