

1 AN ACT concerning health.

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

4 Section 5. The Overdose Prevention and Harm Reduction Act
5 is amended by changing Section 5 and by adding Section 10 as
6 follows:

7 (410 ILCS 710/5)

8 Sec. 5. Needle and hypodermic syringe access program.

9 (a) Any governmental or nongovernmental organization,
10 including a local health department, community-based
11 organization, or a person or entity, that promotes
12 scientifically proven ways of mitigating health risks
13 associated with drug use and other high-risk behaviors may
14 establish and operate a needle and hypodermic syringe access
15 program. The objective of the program shall be accomplishing
16 all of the following:

17 (1) reducing the spread of HIV, AIDS, viral hepatitis,
18 and other bloodborne diseases;

19 (2) reducing the potential for needle stick injuries
20 from discarded contaminated equipment; and

21 (3) facilitating connections or linkages to
22 evidence-based treatment.

23 (b) Programs established under this Act shall provide all

1 of the following:

2 (1) Disposal of used needles and hypodermic syringes.

3 (2) Needles, hypodermic syringes, and other safer drug
4 consumption supplies, at no cost and in quantities
5 sufficient to ensure that needles, hypodermic syringes, or
6 other supplies are not shared or reused.

7 (3) Educational materials or training on:

8 (A) overdose prevention and intervention; and

9 (B) the prevention of HIV, AIDS, viral hepatitis,
10 and other common bloodborne diseases resulting from
11 shared drug consumption equipment and supplies.

12 (4) Access to opioid antagonists approved for the
13 reversal of an opioid overdose, or referrals to programs
14 that provide access to opioid antagonists approved for the
15 reversal of an opioid overdose.

16 (5) Linkages to needed services, including mental
17 health treatment, housing programs, substance use disorder
18 treatment, and other relevant community services.

19 (6) Individual consultations from a trained employee
20 tailored to individual needs.

21 (7) If feasible, a hygienic, separate space for
22 individuals who need to administer a prescribed injectable
23 medication that can also be used as a quiet space to gather
24 composure in the event of an adverse on-site incident,
25 such as a nonfatal overdose.

26 (8) If feasible, access to on-site drug adulterant

1 testing supplies ~~such as reagents, test strips, or~~
2 ~~quantification instruments that provide critical real-time~~
3 ~~information on the composition of substances obtained for~~
4 ~~consumption.~~

5 (c) Notwithstanding any provision of the Illinois
6 Controlled Substances Act, the Drug Paraphernalia Control Act,
7 or any other law, no employee or volunteer of or participant in
8 a program established under this Act shall be charged with or
9 prosecuted for possession of any of the following:

10 (1) Needles, hypodermic syringes, or other drug
11 consumption paraphernalia obtained from or returned,
12 directly or indirectly, to a program established under
13 this Act.

14 (2) Residual amounts of a controlled substance
15 contained in used needles, used hypodermic syringes, or
16 other used drug consumption paraphernalia obtained from or
17 returned, directly or indirectly, to a program established
18 under this Act.

19 (3) Drug adulterant testing supplies ~~such as reagents,~~
20 ~~test strips, or quantification instruments~~ obtained from
21 or returned, directly or indirectly, to a program
22 established under this Act or a pharmacy, hospital,
23 clinic, or other health care facility or medical office
24 dispensing drug adulterant testing supplies in accordance
25 with Section 10. This paragraph also applies to any
26 employee or customer of a pharmacy, hospital, clinic, or

1 other health care facility or medical office dispensing
2 drug adulterant testing supplies in accordance with
3 Section 10.

4 (4) Any residual amounts of controlled substances used
5 in the course of testing the controlled substance to
6 determine the chemical composition and potential threat of
7 the substances obtained for consumption that are obtained
8 from or returned, directly or indirectly, to a program
9 established under this Act. This paragraph also applies to
10 any person using drug adulterant testing supplies procured
11 in accordance with Section 10 of this Act.

12 In addition to any other applicable immunity or limitation
13 on civil liability, a law enforcement officer who, acting on
14 good faith, arrests or charges a person who is thereafter
15 determined to be entitled to immunity from prosecution under
16 this subsection (c) shall not be subject to civil liability
17 for the arrest or filing of charges.

18 (d) Prior to the commencing of operations of a program
19 established under this Act, the governmental or
20 nongovernmental organization shall submit to the Illinois
21 Department of Public Health all of the following information:

22 (1) the name of the organization, agency, group,
23 person, or entity operating the program;

24 (2) the areas and populations to be served by the
25 program; and

26 (3) the methods by which the program will meet the

1 requirements of subsection (b) of this Section.

2 The Department of Public Health may adopt rules to
3 implement this subsection.

4 (Source: P.A. 101-356, eff. 8-9-19.)

5 (410 ILCS 710/10 new)

6 Sec. 10. Dispensing of drug adulterant testing supplies. A
7 pharmacist or physician, or the pharmacist's or physician's
8 designee, may dispense drug adulterant testing supplies to any
9 person. Any drug adulterant testing supplies dispensed under
10 this Section must be stored at a licensed pharmacy, hospital,
11 clinic, or other health care facility or at the medical office
12 of a physician and in a manner that limits access to the drug
13 adulterant testing supplies to pharmacists and physicians
14 employed at the pharmacy, hospital, clinic, or other health
15 care facility or medical office and any persons designated by
16 the pharmacist or physician. Drug adulterant testing supplies
17 dispensed at a retail store containing a pharmacy under this
18 Section may be dispensed only from the pharmacy department of
19 the retail store. No quantity of drug adulterant testing
20 supplies greater than necessary to conduct 5 assays of
21 substances suspected of containing adulterants shall be
22 dispensed in any single transaction.