



Rep. Will Guzzardi

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10200HB4556ham001

LRB102 23790 SPS 37043 a

1 AMENDMENT TO HOUSE BILL 4556

2 AMENDMENT NO. _____. Amend House Bill 4556 by replacing
3 everything after the enacting clause with the following:

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:

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

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

5 (3) facilitating connections or linkages to
6 evidence-based treatment.

7 (b) Programs established under this Act shall provide all
8 of the following:

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

10 (2) Needles, hypodermic syringes, and other safer drug
11 consumption supplies, at no cost and in quantities
12 sufficient to ensure that needles, hypodermic syringes, or
13 other supplies are not shared or reused.

14 (3) Educational materials or training on:

15 (A) overdose prevention and intervention; and

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

19 (4) Access to opioid antagonists approved for the
20 reversal of an opioid overdose, or referrals to programs
21 that provide access to opioid antagonists approved for the
22 reversal of an opioid overdose.

23 (5) Linkages to needed services, including mental
24 health treatment, housing programs, substance use disorder
25 treatment, and other relevant community services.

26 (6) Individual consultations from a trained employee

1 tailored to individual needs.

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

7 (8) If feasible, access to on-site drug adulterant
8 testing supplies ~~such as reagents, test strips, or~~
9 ~~quantification instruments that provide critical real-time~~
10 ~~information on the composition of substances obtained for~~
11 ~~consumption.~~

12 (c) Notwithstanding any provision of the Illinois
13 Controlled Substances Act, the Drug Paraphernalia Control Act,
14 or any other law, no employee or volunteer of or participant in
15 a program established under this Act shall be charged with or
16 prosecuted for possession of any of the following:

17 (1) Needles, hypodermic syringes, or other drug
18 consumption paraphernalia obtained from or returned,
19 directly or indirectly, to a program established under
20 this Act.

21 (2) Residual amounts of a controlled substance
22 contained in used needles, used hypodermic syringes, or
23 other used drug consumption paraphernalia obtained from or
24 returned, directly or indirectly, to a program established
25 under this Act.

26 (3) Drug adulterant testing supplies ~~such as reagents,~~

1 ~~test strips, or quantification instruments~~ obtained from
2 or returned, directly or indirectly, to a program
3 established under this Act or a pharmacy, hospital,
4 clinic, or other health care facility or medical office
5 dispensing drug adulterant testing supplies in accordance
6 with Section 10. This paragraph also applies to any
7 employee or customer of a pharmacy, hospital, clinic, or
8 other health care facility or medical office dispensing
9 drug adulterant testing supplies in accordance with
10 Section 10.

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

19 In addition to any other applicable immunity or limitation
20 on civil liability, a law enforcement officer who, acting on
21 good faith, arrests or charges a person who is thereafter
22 determined to be entitled to immunity from prosecution under
23 this subsection (c) shall not be subject to civil liability
24 for the arrest or filing of charges.

25 (d) Prior to the commencing of operations of a program
26 established under this Act, the governmental or

1 nongovernmental organization shall submit to the Illinois
2 Department of Public Health all of the following information:

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

5 (2) the areas and populations to be served by the
6 program; and

7 (3) the methods by which the program will meet the
8 requirements of subsection (b) of this Section.

9 The Department of Public Health may adopt rules to
10 implement this subsection.

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

12 (410 ILCS 710/10 new)

13 Sec. 10. Dispensing of drug adulterant testing supplies. A
14 pharmacist or physician, or the pharmacist's or physician's
15 designee, may dispense drug adulterant testing supplies to any
16 person. Any drug adulterant testing supplies dispensed under
17 this Section must be stored at a licensed pharmacy, hospital,
18 clinic, or other health care facility or at the medical office
19 of a physician and in a manner that limits access to the drug
20 adulterant testing supplies to pharmacists and physicians
21 employed at the pharmacy, hospital, clinic, or other health
22 care facility or medical office and any persons designated by
23 the pharmacist or physician. Drug adulterant testing supplies
24 dispensed at a retail store containing a pharmacy under this
25 Section may be dispensed only from the pharmacy department of

1 the retail store. No quantity of drug adulterant testing
2 supplies greater than necessary to conduct 5 assays of
3 substances suspected of containing adulterants shall be
4 dispensed in any single transaction."