

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, physician, advanced practice registered nurse, or  
8 physician assistant, or the pharmacist's, physician's,  
9 advanced practice registered nurse's, or physician assistant's  
10 designee, may dispense drug adulterant testing supplies to any  
11 person. Any drug adulterant testing supplies dispensed under  
12 this Section must be stored at a licensed pharmacy, hospital,  
13 clinic, or other health care facility or at the medical office  
14 of a physician, advanced practice registered nurse, or  
15 physician assistant and in a manner that limits access to the  
16 drug adulterant testing supplies to pharmacists, physicians,  
17 advanced practice registered nurses, or physician assistants  
18 employed at the pharmacy, hospital, clinic, or other health  
19 care facility or medical office and any persons designated by  
20 the pharmacist, physician, advanced practice registered nurse,  
21 or physician assistant. Drug adulterant testing supplies  
22 dispensed at a retail store containing a pharmacy under this  
23 Section may be dispensed only from the pharmacy department of  
24 the retail store. No quantity of drug adulterant testing  
25 supplies greater than necessary to conduct 5 assays of

1 substances suspected of containing adulterants shall be  
2 dispensed in any single transaction.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.