



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2118

Introduced 2/7/2023, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

415 ILCS 5/3.458	
720 ILCS 635/1	from Ch. 38, par. 22-50
720 ILCS 635/2	from Ch. 38, par. 22-51
720 ILCS 635/5 rep.	

Amends the Hypodermic Syringes and Needles Act. Provides that any supplier (rather than a pharmacist) may sell any amount of (rather than up to 100) sterile hypodermic syringes or needles to a person who is at least 18 years of age. Deletes a provision that a syringe or needle sold must be stored at a pharmacy and in a manner that limits access to the syringes or needles to pharmacists employed at the pharmacy and any persons designated by the pharmacists. Deletes provision that a syringe or needle sold at a pharmacy may be sold only from the pharmacy department of the pharmacy. Makes other conforming changes to the Act. Amends the Environmental Protection Act to make conforming changes.

LRB103 26835 RLC 53199 b

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 Environmental Protection Act is amended by
5 changing Section 3.458 as follows:

6 (415 ILCS 5/3.458)

7 Sec. 3.458. Sharps collection station.

8 (a) "Sharps collection station" means a designated area at
9 an applicable facility where (i) hypodermic, intravenous, or
10 other medical needles or syringes or other sharps, or (ii)
11 medical household waste containing medical sharps, including,
12 but not limited to, hypodermic, intravenous, or other medical
13 needles or syringes or other sharps, are collected for
14 transport, storage, treatment, transfer, or disposal.

15 (b) For purposes of this Section, "applicable facility"
16 means any of the following:

17 (1) A hospital.

18 (2) An ambulatory surgical treatment center,
19 physician's office, clinic, or other setting where a
20 physician provides care.

21 (3) A pharmacy employing a registered pharmacist.

22 (4) (Blank). ~~The principal place of business of any~~
23 ~~government official who is authorized under Section 1 of~~

1 ~~the Hypodermic Syringes and Needles Act (720 ILCS 635/) to~~
2 ~~possess hypodermic, intravenous, or other medical needles,~~
3 ~~or hypodermic or intravenous syringes, by reason of his or~~
4 ~~her official duties.~~

5 (Source: P.A. 94-641, eff. 8-22-05.)

6 Section 10. The Hypodermic Syringes and Needles Act is
7 amended by changing Sections 1 and 2 as follows:

8 (720 ILCS 635/1) (from Ch. 38, par. 22-50)

9 Sec. 1. Possession of hypodermic syringes and needles.

10 (a) (Blank). ~~Except as provided in subsection (b), no~~
11 ~~person, not being a physician, dentist, chiropractist or~~
12 ~~veterinarian licensed under the laws of this State or of the~~
13 ~~state where he resides, or a registered professional nurse, or~~
14 ~~a registered embalmer, manufacturer or dealer in embalming~~
15 ~~supplies, wholesale druggist, manufacturing pharmacist,~~
16 ~~registered pharmacist, manufacturer of surgical instruments,~~
17 ~~industrial user, official of any government having possession~~
18 ~~of the articles hereinafter mentioned by reason of his or her~~
19 ~~official duties, nurse or a medical laboratory technician~~
20 ~~acting under the direction of a physician or dentist, employee~~
21 ~~of an incorporated hospital acting under the direction of its~~
22 ~~superintendent or officer in immediate charge, or a carrier or~~
23 ~~messenger engaged in the transportation of the articles, or~~
24 ~~the holder of a permit issued under Section 5 of this Act, or a~~

1 ~~farmer engaged in the use of the instruments on livestock, or a~~
2 ~~person engaged in chemical, clinical, pharmaceutical or other~~
3 ~~scientific research, or a staff person, volunteer, or~~
4 ~~participant in a needle or hypodermic syringe access program,~~
5 ~~shall have in his or her possession a hypodermic syringe,~~
6 ~~hypodermic needle, or any instrument adapted for the use of~~
7 ~~controlled substances or cannabis by subcutaneous injection.~~

8 (b) A person who is at least 18 years of age may purchase
9 from any supplier ~~a pharmacy~~ and have in his or her possession
10 any amount of ~~up to 100~~ hypodermic syringes or needles.

11 (Source: P.A. 100-326, eff. 1-1-18; 101-356, eff. 8-9-19.)

12 (720 ILCS 635/2) (from Ch. 38, par. 22-51)

13 Sec. 2. Sale of hypodermic syringes and needles.

14 (a) (Blank). ~~Except as provided in subsection (b), no~~
15 ~~syringe, needle or instrument shall be delivered or sold to,~~
16 ~~or exchanged with, any person except a registered pharmacist,~~
17 ~~physician, dentist, veterinarian, registered embalmer,~~
18 ~~manufacturer or dealer in embalming supplies, wholesale~~
19 ~~druggist, manufacturing pharmacist, industrial user, a nurse~~
20 ~~upon the written order of a physician or dentist, the holder of~~
21 ~~a permit issued under Section 5 of this Act, a registered~~
22 ~~chiropractist, or an employee of an incorporated hospital upon~~
23 ~~the written order of its superintendent or officer in~~
24 ~~immediate charge; provided that the provisions of this Act~~
25 ~~shall not prohibit the sale, possession or use of hypodermic~~

1 ~~syringes or hypodermic needles for treatment of livestock or~~
2 ~~poultry by the owner or keeper thereof or a person engaged in~~
3 ~~chemical, clinical, pharmaceutical or other scientific~~
4 ~~research, or a staff person, volunteer, or participant in a~~
5 ~~needle or hypodermic syringe access program.~~

6 (b) Any supplier ~~A pharmacist~~ may sell any amount of
7 ~~up to 100~~ sterile hypodermic syringes or needles to a
8 person who is at least 18 years of age. ~~A syringe or needle~~
9 ~~sold under this subsection (b) must be stored at a~~
10 ~~pharmacy and in a manner that limits access to the~~
11 ~~syringes or needles to pharmacists employed at the~~
12 ~~pharmacy and any persons designated by the pharmacists. A~~
13 ~~syringe or needle sold at a pharmacy under this subsection~~
14 ~~(b) may be sold only from the pharmacy department of the~~
15 ~~pharmacy.~~

16 (Source: P.A. 100-326, eff. 1-1-18; 101-356, eff. 8-9-19.)

17 (720 ILCS 635/5 rep.)

18 Section 15. The Hypodermic Syringes and Needles Act is
19 amended by repealing Section 5.