

Rep. Justin Slaughter

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1 AMENDMENT TO HOUSE BILL 4621 2 AMENDMENT NO. . Amend House Bill 4621 by replacing everything after the enacting clause with the following: 3 "Section 5. The Substance Use Disorder Act is amended by 4 5 changing Section 5-23 as follows: (20 ILCS 301/5-23) 6 7 Sec. 5-23. Drug Overdose Prevention Program. 8 (a) Reports.

(1) The Department may publish annually a report on drug overdose trends statewide that reviews State death rates from available data to ascertain changes in the causes or rates of fatal and nonfatal drug overdose. The report shall also provide information on interventions that would be effective in reducing the rate of fatal or nonfatal drug overdose and on the current substance use disorder treatment capacity within the State. The report

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shall include an analysis of drug overdose information reported to the Department of Public Health pursuant to subsection (e) of Section 3-3013 of the Counties Code, Section 6.14g of the Hospital Licensing Act, subsection (j) of Section 22-30 of the School Code.

- (2) The report may include:
 - (A) Trends in drug overdose death rates.
- (B) Trends in emergency room utilization related to drug overdose and the cost impact of emergency room utilization.
- (C) Trends in utilization of pre-hospital and emergency services and the cost impact of emergency services utilization.
 - (D) Suggested improvements in data collection.
- (E) A description of other interventions effective in reducing the rate of fatal or nonfatal drug overdose.
- (F) A description of efforts undertaken to educate the public about unused medication and about how to properly dispose of unused medication, including the number of registered collection receptacles in this State, mail-back programs, and drug take-back events.
- (G) An inventory of the State's substance use disorder treatment capacity, including, but not limited to:
 - (i) The number and type of licensed treatment

programs in each geographic area of the State.

2	(ii) The availability of medication-assisted
3	treatment at each licensed program and which types
4	of medication-assisted treatment are available.
5	(iii) The number of recovery homes that accept
6	individuals using medication-assisted treatment in
7	their recovery.
8	(iv) The number of medical professionals
9	currently authorized to prescribe buprenorphine
10	and the number of individuals who fill
11	prescriptions for that medication at retail
12	pharmacies as prescribed.
13	(v) Any partnerships between programs licensed
14	by the Department and other providers of
15	medication-assisted treatment.
16	(vi) Any challenges in providing
17	medication-assisted treatment reported by programs
18	licensed by the Department and any potential
19	solutions.
20	(b) Programs; drug overdose prevention.
21	(1) The Department may establish a program to provide
22	for the production and publication, in electronic and
23	other formats, of drug overdose prevention, recognition,
24	and response literature. The Department may develop and
25	disseminate curricula for use by professionals,
26	organizations, individuals, or committees interested in

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the prevention of fatal and nonfatal drug overdose, including, but not limited to, drug users, jail and prison personnel, jail and prison inmates, drug treatment professionals, emergency medical personnel, hospital staff, families and associates of drug users, peace officers, firefighters, public safety officers, needle exchange program staff, and other persons. In addition to information regarding drug overdose prevention, recognition, and response, literature produced by the Department shall stress that drug use remains illegal and highly dangerous and that complete abstinence from illegal drug use is the healthiest choice. The literature shall provide information and resources for substance use disorder treatment.

The Department may establish or authorize programs for prescribing, dispensing, or distributing opioid antagonists for the treatment of drug overdose. Such programs may include the prescribing of opioid antagonists for the treatment of drug overdose to a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist.

(2) The Department may provide advice to State and local officials on the growing drug overdose crisis,

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including the prevalence of drug overdose incidents, programs promoting the disposal of unused prescription drugs, trends in drug overdose incidents, and solutions to the drug overdose crisis.

- support drug overdose (3) The Department may prevention, recognition, and response projects facilitating the acquisition of opioid antagonist medication approved for opioid overdose reversal, facilitating the acquisition of opioid antagonist medication approved for opioid overdose reversal, providing trainings in overdose prevention best practices, connecting programs to medical resources, establishing a statewide standing order for the acquisition of needed medication, establishing learning collaboratives between localities and programs, and assisting programs navigating any regulatory requirements for establishing or expanding such programs.
- (4) In supporting best practices in drug overdose prevention programming, the Department may promote the following programmatic elements:
 - (A) Training individuals who currently use drugs in the administration of opioid antagonists approved for the reversal of an opioid overdose.
 - (B) Directly distributing opioid antagonists approved for the reversal of an opioid overdose rather than providing prescriptions to be filled at a

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overdose.

1	pharmacy.
2	(C) Conducting street and community outreach to
3	work directly with individuals who are using drugs.
4	(D) Employing community health workers or peer
5	recovery specialists who are familiar with the
6	communities served and can provide culturally
7	competent services.
8	(E) Collaborating with other community-based
9	organizations, substance use disorder treatment
10	centers, or other health care providers engaged in
11	treating individuals who are using drugs.
12	(F) Providing linkages for individuals to obtain
13	evidence-based substance use disorder treatment.
14	(G) Engaging individuals exiting jails or prisons
15	who are at a high risk of overdose.
16	(H) Providing education and training to
17	community-based organizations who work directly with
18	individuals who are using drugs and those individuals'
19	families and communities.
20	(I) Providing education and training on drug
21	overdose prevention and response to emergency
22	personnel and law enforcement.
23	(J) Informing communities of the important role
24	emergency personnel play in responding to accidental

(K) Producing and distributing targeted mass media

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materials on drug overdose prevention and response, the potential dangers of leaving unused prescription drugs in the home, and the proper methods for disposing of unused prescription drugs.

(c) Grants.

- (1) The Department may award grants, in accordance with this subsection, to create or support local drug overdose prevention, recognition, and response projects. Local health departments, correctional institutions, hospitals, universities, community-based organizations, and faith-based organizations may apply to the Department for a grant under this subsection at the time and in the Department prescribes. Eligible manner the activities include, but are not limited to, purchasing and distributing opioid antagonists, hiring peer recovery specialists or other community members to conduct community outreach, and hosting public health fairs or events to distribute opioid antagonists, promote harm reduction activities, and provide linkages to community partners.
- (2) In awarding grants, the Department shall consider the overall rate of opioid overdose, the rate of increase in opioid overdose, and racial disparities in opioid overdose experienced by the communities to be served by grantees. The Department shall encourage all grant applicants to develop interventions that will be effective

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and viable in their local areas.

- (3) (Blank).
- Any hospital licensed under the Licensing Act or organized under the University of Illinois Hospital Act shall be deemed to have met the standards and requirements set forth in this Section to enroll in the drug overdose prevention program upon completion of the enrollment process except that proof of standing order and attestation of programmatic requirements shall be waived for enrollment purposes. Reporting mandated by enrollment shall be necessary to carry out or attain eligibility for associated resources under this Section for drug overdose prevention projects operated on the licensed premises of the hospital and operated by the hospital or its designated agent. The Department shall streamline hospital enrollment for drug overdose prevention programs by accepting such deemed status under this Section in order to reduce barriers to hospital participation in drug overdose prevention, recognition, or response projects.
- (4) In addition to moneys appropriated by the General Assembly, the Department may seek grants from private foundations, the federal government, and other sources to fund the grants under this Section and to fund an evaluation of the programs supported by the grants.
- (d) Health care professional prescription of opioid

antagonists.

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- (1) A health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antagonist to: (a) a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency, or (b) a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a during position to assist another individual opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist shall not, as a result of his or her acts or omissions, be subject to: (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute or (ii) any criminal liability, except for willful and wanton misconduct.
- (1.5) Notwithstanding any provision of or requirement otherwise imposed by the Pharmacy Practice Act, the Medical Practice Act of 1987, or any other law or rule, including, but not limited to, any requirement related to labeling, storage, or recordkeeping, a health care professional or other person acting under the direction of a health care professional may, directly or by standing order, obtain, store, and dispense an opioid antagonist to

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a patient in a facility that includes, but is not limited to, a hospital, a hospital affiliate, or a federally qualified health center if the patient information specified in paragraph (4) of this subsection is provided to the patient. A person acting in accordance with this paragraph shall not, as a result of his or her acts or omissions, be subject to: (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute; or (ii) any criminal liability, except for willful and wanton misconduct.

- (2) A person who is not otherwise licensed to administer an opioid antagonist may in an emergency administer without fee an opioid antagonist if the person received the patient information specified paragraph (4) of this subsection and believes in good faith that another person is experiencing a drug overdose. The person shall not, as a result of his or her acts or omissions, be (i) liable for any violation of the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute, or (ii) subject to any criminal prosecution or civil liability, except for willful and wanton misconduct.
 - (3) A health care professional prescribing an opioid

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antagonist to a patient shall ensure that the patient receives the patient information specified in paragraph of this subsection. Patient information may be provided by the health care professional community-based organization, substance use disorder program, or other organization with which the health care professional establishes a written agreement that includes a description of how the organization will provide patient information, how employees or volunteers providing information will be trained, and standards for documenting provision of patient information to patients. the Provision of patient information shall be documented in the patient's medical record or through similar means as determined by agreement between the health professional and the organization. The Department, in consultation with statewide organizations representing physicians, pharmacists, advanced practice registered nurses, physician assistants, substance use disorder programs, and other interested groups, shall develop and disseminate to health care professionals, community-based organizations, substance use disorder programs, and other organizations training materials in video, electronic, or other formats to facilitate the provision of such patient information.

(4) For the purposes of this subsection:

"Opioid antagonist" means a drug that binds to opioid

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receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"Health care professional" means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, licensed advanced practice registered nurse prescriptive authority, an advanced practice registered nurse or physician assistant who practices in a hospital, hospital affiliate, or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act, or a pharmacist licensed to practice pharmacy under the Pharmacy Practice Act.

"Patient" includes a person who is not at risk of opioid overdose but who, in the judgment of the physician, advanced practice registered nurse, or physician assistant, may be in a position to assist another individual during an overdose and who has received patient information as required in paragraph (2) of subsection on the indications for and administration of an opioid antagonist.

"Patient information" includes information provided to the patient on drug overdose prevention and recognition; how to perform rescue breathing and resuscitation; opioid

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antagonist dosage and administration; the importance of calling 911; care for the overdose victim after administration of the overdose antagonist; and other issues as necessary.

- (e) Drug overdose response policy.
- (1) Every State and local government agency that employs a law enforcement officer or fireman as those terms are defined in the Line of Duty Compensation Act must possess opioid antagonists and must establish a policy to control acquisition, the storage, and administration of transportation, such opioid antagonists and to provide training in the administration of opioid antagonists. A State or local government agency that employs a probation officer, as defined in Section 9b of the Probation and Probation Officers Act, or a fireman as defined in the Line of Duty Compensation Act but does not respond to emergency medical calls or provide medical services shall be exempt from this subsection.
- (2) Every publicly or privately owned ambulance, special emergency medical services vehicle, non-transport vehicle, or ambulance assist vehicle, as described in the Emergency Medical Services (EMS) Systems Act, that responds to requests for emergency services or transports patients between hospitals in emergency situations must possess opioid antagonists.
 - (3) Entities that are required under paragraphs (1)

- and (2) to possess opioid antagonists may also apply to 1
- the Department for a grant to fund the acquisition of 2
- 3 opioid antagonists and training programs the
- 4 administration of opioid antagonists.
- 5 (Source: P.A. 101-356, eff. 8-9-19; 102-598, eff. 1-1-22.)
- Section 10. The Pretrial Services Act is amended by 6
- 7 changing Sections 1, 2, 3, 4, 5, 8, 9, 10, 12, 13, 14, 15, 22,
- 8 24, 30, and 33 and by adding Sections 0.02, 0.03, and 0.04 as
- 9 follows:
- (725 ILCS 185/0.02 new) 10
- 11 Sec. 0.02. Definitions. In this Act:
- 12 "Director" means the Director of the Office of Statewide
- 13 Pretrial Services.
- "Local pretrial services" means a pretrial services other 14
- than the Office who is providing pretrial services. 15
- "Pretrial services" means any providing services to the 16
- circuit court as provided for in this Act, including the 17
- 18 Office.
- "Office" means the Office of Statewide Pretrial Services. 19
- 20 (725 ILCS 185/0.03 new)
- 21 Sec. 0.03. Office of Statewide Pretrial Services;
- 22 establishment. There is established in the judicial branch of
- State government an office to be known as the Office of 23

1	Statewide Pretrial Services. This office shall be under the
2	supervision and direction of a Director who shall be appointed
3	by a vote of a majority of the Illinois Supreme Court Justices
4	for a 4-year term and until a successor is appointed and
5	qualified. The Director shall adopt rules, instructions, and
6	orders, consistent with this Act, further defining the
7	organization of this office and the duties of its employees.
8	The Illinois Supreme Court shall approve or modify an
9	operational budget submitted to it by the Office of Statewide
10	Pretrial Services and set the number of employees each year.
11	(725 ILCS 185/0.04 new)
12	Sec. 0.04. Powers and duties.
13	(a) The Office shall provide pretrial services as provided
14	in Section 7 to circuit courts or counties without existing
15	pretrial services agencies.
16	(b) The Office shall develop, establish, adopt, and
17	enforce uniform standards for pretrial services in this State.
18	(c) The Office may:
19	(1) hire and train State employed pretrial personnel;
20	(2) establish qualifications for pretrial officers as
21	to hiring, promotion, and training;
22	(3) establish a system of training and orientation for
23	local pretrial services agencies;
24	(4) Develop standards and approve employee
25	compensation schedules for local pretrial services

1	agencies;
2	(5) establish a system of uniform forms;
3	(6) develop standards for a system of recordkeeping
4	for local pretrial services agencies;
5	(7) gather statistics and develop research for
6	planning of pretrial services in Illinois;
7	(8) establish a means of verifying the conditions for
8	reimbursement under this Act for local pretrial services
9	agencies and develop criteria for approved costs for
10	reimbursement;
11	(9) monitor and evaluate all pretrial programs
12	operated by local pretrial services agencies;
13	(10) review and approve annual plans submitted by
14	local pretrial services agencies; and
15	(11) establish such other standards and regulations
16	and do all acts necessary to carry out the intent and
17	purposes of this Act.
18	(725 ILCS 185/1) (from Ch. 38, par. 301)
19	Sec. 1. The Chief Judge of each Each circuit court shall
20	elect to receive pretrial services either through the Office
21	or through a local pretrial services agency. The pretrial
22	services agency has a duty establish a pretrial services
23	agency to provide the court with accurate background data
24	regarding the pretrial release of persons charged with
25	felonies and effective supervision of compliance with the

- 1 terms and conditions imposed on release.
- 2 (Source: P.A. 84-1449.)
- 3 (725 ILCS 185/2) (from Ch. 38, par. 302)
- 4 Sec. 2. Local pretrial Pretrial services agencies may be
- 5 independent divisions of the circuit courts accountable to the
- chief judge or his designee for program activities. 6
- 7 agencies shall be supervised by a program director appointed
- 8 by the chief judge and removable for cause. The chief judge or
- 9 his designee shall have the authority to hire, terminate or
- 10 discipline local pretrial services agency personnel on
- recommendation of the program director. 11
- 12 (Source: P.A. 84-1449.)
- 13 (725 ILCS 185/3) (from Ch. 38, par. 303)
- 14 Sec. 3. Pretrial services shall be provided by the Office
- The functions of the pretrial services agency shall be 15
- assigned to the Department of Probation and Court Services or 16
- 17 other arm of the court where the volume of criminal
- 18 proceedings does not justify the establishment of a local
- 19 pretrial services agency separate division.
- (Source: P.A. 84-1449.) 20
- 21 (725 ILCS 185/4) (from Ch. 38, par. 304)
- 22 Sec. 4. All local pretrial services agency personnel shall
- 23 be full-time employees supervised by the director and, except

- 1 for secretarial staff, subject to the hiring and training
- 2 requirements established by the Office Supreme Court as
- 3 provided in "An Act providing for a system of probation, for
- 4 the appointment and compensation of probation officers, and
- 5 authorizing the suspension of final judgment and the
- 6 imposition of sentence upon persons found quilty of certain
- 7 defined crimes and offenses, and legalizing their ultimate
- 8 discharge without punishment", approved June 10, 1911, as
- 9 amended.
- 10 (Source: P.A. 84-1449.)
- 11 (725 ILCS 185/5) (from Ch. 38, par. 305)
- 12 Sec. 5. The compensation for local pretrial services
- agency personnel shall be commensurate with salaries and other
- benefits accorded probation department employees.
- 15 (Source: P.A. 84-1449.)
- 16 (725 ILCS 185/8) (from Ch. 38, par. 308)
- 17 Sec. 8. In addition to the foregoing, local pretrial
- 18 services agencies may with the approval of the chief judge
- 19 provide one or more of the following services to the circuit
- 20 court:
- 21 (a) Supervise compliance with the terms and conditions
- 22 imposed by the courts for appeal bonds; and
- 23 (b) Assist in such other pretrial services activities as
- 24 may be delegated to the agency by the court.

1 (Source: P.A. 84-1449.)

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(725 ILCS 185/9) (from Ch. 38, par. 309) 2

Sec. 9. Pretrial services agencies shall have standing court authority to interview and process all persons charged with non-capital felonies either before or after first appearance if the person is in custody. The chief judge and program director of the pretrial services agency may establish interviewing priorities where resources do not permit total coverage, but no other criteria shall be employed to exclude categories of offenses or offenders from program operations.

(Source: P.A. 84-1449.) 11

12 (725 ILCS 185/10) (from Ch. 38, par. 310)

Sec. 10. The chief judge and program director of the local pretrial services agency shall continuously assess the benefits of agency intervention before or after the first appearance of accused persons. In determining the best allocation of available resources, consideration shall be given to current release practices of first appearance judges in misdemeanor and lesser felony cases; the logistics of intervention pre-first appearance where decentralized detention facilities are utilized; the availability of verification resources for pre-first appearance intervention; and the ultimate goal of prompt and informed determinations of pretrial release conditions.

- 1 (Source: P.A. 84-1449.)
- 2 (725 ILCS 185/12) (from Ch. 38, par. 312)
- 3 Sec. 12. Interviews shall be individually conducted by
- 4 agency personnel in facilities or locations which assure an
- 5 adequate opportunity for discussion, consistent with security
- 6 needs.
- 7 The chief judge or his designee shall maintain a
- 8 continuous liaison between the <u>pretrial services</u> agency
- 9 director and the sheriff, or other affected law enforcement
- 10 agencies, to assure that pretrial services interviewers have
- 11 prompt access consistent with security and law enforcement
- 12 needs to all prisoners after booking.
- 13 (Source: P.A. 84-1449.)
- 14 (725 ILCS 185/13) (from Ch. 38, par. 313)
- 15 Sec. 13. Information received from the arrested person as
- 16 a result of the agency interview shall be recorded on uniform
- interview forms created by the Office.
- 18 (Source: P.A. 84-1449.)
- 19 (725 ILCS 185/14) (from Ch. 38, par. 314)
- Sec. 14. The pretrial services agency shall, after
- 21 interviewing arrestees, immediately verify and supplement the
- 22 information required by the uniform interview form before
- 23 submitting its report to the court. Minimum verification shall

- 1 include the interviewee's prior criminal record, residency,
- 2 and employment circumstances. The chief judge or his designee
- shall assist the pretrial services agency program director in 3
- 4 establishing and maintaining cooperation with the circuit
- 5 clerk and law enforcement information systems to assure the
- prompt verification of prior criminal records. 6
- (Source: P.A. 84-1449.) 7
- 8 (725 ILCS 185/15) (from Ch. 38, par. 315)
- 9 Sec. 15. Verified and supplemental information assembled
- 10 by the pretrial services agency shall be recorded on a uniform
- reporting form established by the Office Supreme Court. 11
- 12 (Source: P.A. 84-1449.)
- 13 (725 ILCS 185/22) (from Ch. 38, par. 322)
- 14 Sec. 22. If so ordered by the court, the pretrial services
- agency shall prepare and submit for the court's approval and 15
- signature a uniform release order on the uniform form 16
- established by the Office Supreme Court in all cases where an 17
- 18 interviewee may be released from custody under conditions
- 19 contained in an agency report. Such conditions shall become
- part of the conditions of pretrial release. A copy of the 20
- 21 uniform release order shall be provided to the defendant and
- 22 defendant's attorney of record, and the prosecutor.
- 23 (Source: P.A. 101-652, eff. 1-1-23.)

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1 (725 ILCS 185/24) (from Ch. 38, par. 324)

Sec. 24. Where functions of the local pretrial services agency have been delegated to a probation department or other arm of the court under Section 3, their records shall be segregated from other records. Two years after the date of the interview with pretrial services а representative, the defendant may apply to the chief circuit judge, or a judge designated by the chief circuit judge for these purposes, for an order expunging from the records of the pretrial services agency all files pertaining to the defendant.

- (Source: P.A. 84-1449.) 12
- (725 ILCS 185/30) (from Ch. 38, par. 330) 13
- 14 Sec. 30. Records and statistics shall be maintained by 15 <u>local</u> pretrial services agencies of their operations and effect upon the criminal justice system, with monthly reports 16 submitted to the circuit court and the Office Supreme Court on 17 a uniform statistical form developed by the Supreme Court. 18
- 19 (Source: P.A. 84-1449.)
- 20 (725 ILCS 185/33) (from Ch. 38, par. 333)
- 21 Sec. 33. The Office Supreme Court shall pay from funds 22 appropriated to it for this purpose 100% of all approved costs 23 for pretrial services, including pretrial services officers, necessary support personnel, travel costs reasonably related 24

- 1 to the delivery of pretrial services, space costs, equipment,
- 2 telecommunications, postage, commodities, printing and
- 3 contractual services. Costs shall be reimbursed monthly, based
- 4 on an annual $\frac{1}{2}$ plan and budget approved by the Office Supreme
- 5 Court. No department may be reimbursed for costs which exceed
- or are not provided for in the approved annual plan and budget.
- 7 The Mandatory Arbitration Fund may be used to reimburse
- 8 approved costs for pretrial services.
- 9 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-331,
- 10 eff. 8-21-07; 95-707, eff. 1-11-08.)
- 11 (725 ILCS 185/1.5 rep.)
- 12 (725 ILCS 185/6 rep.)
- 13 Section 15. The Pretrial Services Act is amended by
- repealing Sections 1.5 and 6.
- 15 Section 99. Effective date. This Act takes effect upon
- 16 becoming law, except that Sections 10 and 15 take effect on
- 17 July 1, 2025.".