



Rep. La Shawn K. Ford

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10200HB0110ham001

LRB102 04289 KTG 25672 a

1 AMENDMENT TO HOUSE BILL 110

2 AMENDMENT NO. _____. Amend House Bill 110 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Substance Use Disorder Act is amended by
5 changing Section 15-10 and by adding Section 5-26 as follows:

6 (20 ILCS 301/5-26 new)

7 Sec. 5-26. Safe consumption and overdose prevention
8 services.

9 (a) Definitions. As used in this Section:

10 "Department" means the Department of Human Services.

11 "Entity" means any community-based organization that
12 provides educational, health, harm reduction, housing, or
13 social services and any hospital, medical clinic or office,
14 health center, nursing care facility, mental health facility,
15 or other similar entity that provides medical care.

16 "Participant" means an individual who seeks to utilize,

1 utilizes, or has used a program established under this
2 Section.

3 "Program" means a safer consumption and overdose services
4 program established under this Section.

5 (b) Program approval.

6 (1) Notwithstanding the Illinois Controlled Substances
7 Act, the Drug Paraphernalia Control Act, or any other
8 provision of law to the contrary, the Department may
9 approve an entity to operate a program in one or more
10 jurisdictions upon satisfaction of the requirements set
11 forth under paragraph (4). The Department shall establish
12 standards for program approval and training and shall
13 adopt any rules that are necessary to license and monitor
14 the program.

15 (2) The Department shall establish a new intervention
16 license category entitled Harm Reduction Services and
17 shall approve or deny an application for a Harm Reduction
18 Services license in accordance with Section 15-10 of this
19 Act and as established by rule.

20 (3) An entity may make an application for a Harm
21 Reduction Services license at any time, regardless of
22 previous applications.

23 (4) The Department may approve a program under this
24 Section upon submission of an application, on a form
25 prescribed by the Department, demonstrating that the
26 entity shall, at a minimum:

1 (A) provide a hygienic space where participants
2 may consume their pre-obtained drugs;

3 (B) provide adequate staffing by health care
4 professionals or other trained staff;

5 (C) provide sterile injection supplies, collect
6 used hypodermic needles and syringes, provide secure
7 hypodermic needle and syringe disposal services, and
8 may provide other drug using supplies that reduce
9 harm;

10 (D) provide education on safe consumption
11 practices, proper disposal of hypodermic needles and
12 syringes, and overdose prevention, including written
13 information in, at a minimum, the 4 most commonly
14 spoken languages in the State as determined by the
15 Department;

16 (E) administer first aid, if needed, and monitor
17 participants for potential overdose;

18 (F) provide referrals to substance use disorder
19 treatment, recovery support services, medical, social
20 determinants of health, and employment and training
21 services;

22 (G) educate participants on the risks of
23 contracting infectious diseases and provide sexual
24 health resources and supplies, including, but not
25 limited to, condoms for male and female sex organs;

26 (H) provide participants access to naloxone;

1 (I) provide reasonable and adequate security for
2 the program site and equipment;

3 (J) ensure confidentiality of program participants
4 by using an anonymous unique identifier;

5 (K) train staff members to deliver services
6 offered by the program or attend training provided by
7 the Department, if required;

8 (L) establish operating procedures for the program
9 and eligibility criteria for program participants, if
10 not predetermined by the Department; and

11 (M) be designated as or collaborate with an
12 authorized needle and hypodermic syringe access
13 program under the Overdose Prevention and Harm
14 Reduction Act.

15 (c) Reporting. An entity operating a program under this
16 Section shall provide a report to the Department, within the
17 time frame specified by the Department, that shall include:

18 (1) the number of program participants;

19 (2) aggregate information regarding the
20 characteristics of program participants;

21 (3) the number of hypodermic needles, syringes, and
22 harm reduction supplies distributed for use on-site;

23 (4) the number of overdoses experienced and the number
24 of overdoses reversed on-site;

25 (5) the number of individuals directly and formally
26 referred to other services and the type of service;

1 (6) the number of significant incidents, as defined by
2 the Department, during the specified time frame; and

3 (7) the number of ancillary services provided to
4 family members and the public, including, but not limited
5 to, socials service referrals and educational services.

6 (d) Immunity provided. Notwithstanding the Illinois
7 Controlled Substances Act, the Drug Paraphernalia Control Act,
8 or any other provision of law to the contrary, the following
9 persons shall not be arrested, charged, or prosecuted for any
10 criminal offense or be subject to any civil or administrative
11 penalty, including seizure or forfeiture of assets or real
12 property or disciplinary action by a professional licensing
13 board, or be denied any right or privilege, solely for
14 participation or involvement in a program approved by the
15 Department under this Act:

16 (1) a program participant;

17 (2) a staff member or administrator of a program,
18 including a health care professional, manager, employee,
19 or volunteer; and

20 (3) a property owner who owns real property at which a
21 program is located and operates.

22 (20 ILCS 301/15-10)

23 Sec. 15-10. Licensure categories and services. No person
24 or program may provide the services or conduct the activities
25 described in this Section without first obtaining a license

1 therefor from the Department, unless otherwise exempted under
2 this Act. The Department shall, by rule, provide requirements
3 for each of the following types of licenses and categories of
4 service:

5 (a) Treatment: Categories of service authorized by a
6 treatment license are Early Intervention, Outpatient,
7 Intensive Outpatient/Partial Hospitalization, Subacute
8 Residential/Inpatient, and Withdrawal Management.
9 Medication assisted treatment that includes methadone used
10 for an opioid use disorder can be licensed as an adjunct to
11 any of the treatment levels of care specified in this
12 Section.

13 (b) Intervention: Categories of service authorized by
14 an intervention license are DUI Evaluation, DUI Risk
15 Education, Designated Program, Harm Reduction Services,
16 and Recovery Homes for persons in any stage of recovery
17 from a substance use disorder.

18 The Department may, under procedures established by rule
19 and upon a showing of good cause for such, exempt off-site
20 services from having to obtain a separate license for services
21 conducted away from the provider's licensed location.

22 (Source: P.A. 100-759, eff. 1-1-19.)".