

# SB2535



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2535

Introduced 2/26/2021, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/322 new

Amends the Illinois Controlled Substances Act. Provides that a prescriber shall offer a prescription for naloxone hydrochloride, or another similar drug approved by the Food and Drug Administration, under specified circumstances. Provides for educational information to be provided concerning overdose prevention and the use of naloxone hydrochloride. Provides that a prescriber who does not comply with specified requirements shall be subject to administrative sanctions under the appropriate licensing board. Specifies that the provisions do not create a private right of action against a prescriber, and do not limit a prescriber's liability for the negligent failure to diagnose or treat a patient. Provides that these provisions do apply to a patient receiving hospice care in accordance with the Hospice Program Licensing Act. Contains a purpose provision. Effective immediately.

LRB102 17336 RLC 22826 b

A BILL FOR

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 1. Findings and purpose. The General Assembly  
5 finds that:

6 (a) Drug overdose is the leading cause of accidental death  
7 in the United States, with opioids being the most common drug;  
8 to stop the opioid crisis in Illinois, patients need access to  
9 the lifesaving drug naloxone and education on the risks of  
10 overdose.

11 (b) According to the Illinois Department of Public Health  
12 there were 2,219 deaths due to opioids in Illinois in 2019.

13 (c) Due to the COVID-19 pandemic, there has been a sharp  
14 increase in opioid-related deaths with Cook County reporting  
15 1,599 overdose deaths in 2020, more than double the previous  
16 year.

17 (c) Research has shown rates of opioid use at the national  
18 scale are higher for whites than they are for African  
19 Americans, yet rates of opioid deaths are higher among African  
20 Americans (43%) than whites (22%). The COVID-19 pandemic will  
21 likely exacerbate this situation due to job loss, stay-at-home  
22 orders, and ongoing mitigation efforts creating a lack of  
23 physical access to addiction support and harm reduction  
24 groups. The combination of an opioid overdose crisis and

1 COVID-19 has created a situation in Illinois in which epidemic  
2 meets pandemic. Stay-at-home orders have created a lack of  
3 physical access to addiction support and harm reduction groups  
4 during the COVID-19 epidemic and increased social isolation  
5 adding to the mental health burdens on people with substance  
6 abuse issues. Even with the rise in opioid overdoses both here  
7 in Illinois and across the country, doctors continue to  
8 prescribe high amounts of opioids.

9 (d) The United States Food and Drug Administration took  
10 strong action in 2020 advising doctors to co-prescribe  
11 naloxone and requiring opioid labels to be updated to  
12 recommend that as a routine part of prescribing these  
13 medicines, doctors should discuss the availability of naloxone  
14 with patients and caregivers when beginning and renewing  
15 treatment.

16 (e) The Centers for Disease Control and Prevention of the  
17 United States Department of Health and Human Services issued  
18 an advisory in 2020 to healthcare providers to "prescribe  
19 naloxone to individuals at risk for opioid overdose, such as  
20 those with a prior history of overdose, those with opioid use  
21 disorder, and individuals using illicit opioids and other  
22 drugs that might be mixed with illicitly manufactured  
23 fentanyl," and to "co-prescribe naloxone to patients with high  
24 morphine milligram equivalents and those receiving opioids and  
25 benzodiazepines."

26 (f) Therefore, in order to save lives, address

1 long-standing health inequities, and educate patients on the  
2 risks of opioid overdose, Illinois needs to take action to  
3 implement the co-prescription of naloxone alongside opioid  
4 prescriptions.

5 Section 5. The Illinois Controlled Substances Act is  
6 amended by adding Section 322 as follows:

7 (720 ILCS 570/322 new)

8 Sec. 322. Naloxone hydrochloride prescription.

9 (a) Notwithstanding any provision of law to the contrary,  
10 a prescriber shall:

11 (1) offer a prescription for naloxone hydrochloride or  
12 another drug approved by the United States Food and Drug  
13 Administration for the complete or partial reversal of  
14 opioid depression to a patient when one or more of the  
15 following conditions are met:

16 (A) the prescription dosage for the patient is 50  
17 or more morphine milligram equivalents of an opioid  
18 medication per day;

19 (B) an opioid medication is prescribed  
20 concurrently with a prescription for benzodiazepine;  
21 or

22 (C) the patient presents with an increased risk  
23 for overdose, including a patient with a known history  
24 of overdose, a patient with a known history of

1 substance use disorder, or a patient at risk for  
2 returning to a high dose of opioid medication to which  
3 the patient is no longer tolerant;

4 (2) consistent with the existing standard of care and  
5 with guidelines issued by the United States Food and Drug  
6 Administration and the Centers for Disease Control and  
7 Prevention of the United States Department of Health and  
8 Human Services, provide education to patients receiving a  
9 prescription under paragraph (1) of this subsection (a) on  
10 overdose prevention and the use of naloxone hydrochloride  
11 or another drug approved by the United States Food and  
12 Drug Administration for the complete or partial reversal  
13 of opioid depression; and

14 (3) consistent with the existing standard of care and  
15 with guidelines issued by the United States Food and Drug  
16 Administration and the Centers for Disease Control and  
17 Prevention of the United States Department of Health and  
18 Human Services, provide education on overdose prevention  
19 and the use of naloxone hydrochloride or another drug  
20 approved by the United States Food and Drug Administration  
21 for the complete or partial reversal of opioid depression  
22 to one or more persons designated by the patient, or, for a  
23 patient who is a minor, to the minor's parent or guardian.

24 (b) A prescriber who does not comply with the requirements  
25 of this Section shall be subject to disciplinary action under  
26 the prescriber's licensing Act. This Section does not create a

1 private right of action against a prescriber, and does not  
2 limit a prescriber's liability for the negligent failure to  
3 diagnose or treat a patient.

4 (c) This Section does not apply to a patient receiving  
5 hospice care in accordance with the Hospice Program Licensing  
6 Act.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.