



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5236

Introduced 2/9/2024, by Rep. Bradley Fritts - Travis Weaver

SYNOPSIS AS INTRODUCED:

20 ILCS 301/Art. 26 heading new
20 ILCS 301/26-1 new
20 ILCS 301/26-2 new
20 ILCS 301/26-5 new
20 ILCS 301/26-10 new
20 ILCS 301/26-15 new
20 ILCS 301/26-20 new
20 ILCS 301/26-25 new
20 ILCS 301/26-30 new
20 ILCS 301/26-45 new
20 ILCS 301/26-50 new
20 ILCS 301/26-55 new
20 ILCS 301/26-60 new
20 ILCS 301/26-65 new

Amends the Substance Use Disorder Act. Provides that, subject to appropriation, the Department of Human Services shall establish and administer pilot programs in the counties of Lee, Whiteside, Ogle, and Tazewell that allow for court-ordered involuntary treatment for persons 18 years of age or older who have a substance use disorder. Requires the pilot programs to be implemented no later than January 1, 2025 with an end date of January 1, 2029. Provides that under the pilot programs, no person shall be ordered to undergo involuntary treatment for a substance use disorder unless that person: (i) suffers from a substance use disorder; (ii) presents an imminent threat of danger to self, family, or others as a result of a substance use disorder, or there exists a substantial likelihood of such a threat in the near future; and (iii) can reasonably benefit from treatment. Contains provisions concerning the rights of persons subject to involuntary treatment; forms; jurisdiction; petition requirements; court and medical examinations; emergency hospitalization; the consequences of failing to attend examinations; summons; hospitals and treatment facilities; and defined terms. Requires the Department to submit a report to the General Assembly, no later than July 1, 2029, on the effectiveness and efficiency of each county's pilot program. Sets out certain data and information that must be included in the report. Effective immediately.

LRB103 39336 KTG 69498 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Substance Use Disorder Act is amended by
5 adding Article 26 as follows:

6 (20 ILCS 301/Art. 26 heading new)

7 ARTICLE 26. INVOLUNTARY TREATMENT FOR SUBSTANCE USE DISORDERS
8 PILOT PROGRAMS

9 (20 ILCS 301/26-1 new)

10 Sec. 26-1. Pilot programs. Subject to appropriation, the
11 Department shall establish and administer pilot programs in
12 the counties of Lee, Whiteside, Ogle, and Tazewell that allow
13 for court-ordered involuntary treatment for persons 18 years
14 of age or older who have a substance use disorder. The pilot
15 programs shall be implemented no later than January 1, 2025
16 and shall end on January 1, 2029. Each county pilot program
17 shall implement the procedures and requirements set forth in
18 this Article. No later than July 1, 2029, the Department shall
19 submit a report to the General Assembly on the effectiveness
20 and efficiency of each county's pilot program. The report
21 shall include the following data and information for each
22 pilot program:

1 (1) The number of persons who received court-ordered
2 involuntary treatment for a substance use disorder.

3 (2) The number and type of treatment services provided
4 to persons subject to court-ordered involuntary treatment
5 for a substance use disorder.

6 (3) A summary description of the most effective
7 treatment services provided under paragraph (2).

8 (20 ILCS 301/26-2 new)

9 Sec. 26-2. Definitions. As used in this Article:

10 "Mental health facility" means any licensed private
11 hospital, institution, or facility or section thereof, and any
12 facility, or section thereof, operated by the State or a
13 political subdivision thereof for the treatment of persons
14 with mental illness and includes all hospitals, institutions,
15 clinics, evaluation facilities, and mental health centers
16 which provide treatment for such persons.

17 "Person" or "respondent" means a person 18 years of age or
18 older for whom a court order for involuntary treatment for a
19 substance use disorder is sought.

20 "Narcotic treatment program" means a substance use
21 disorder program using approved controlled substances and
22 offering a range of treatment procedures and services for the
23 rehabilitation of persons dependent on opium, morphine,
24 heroin, or any derivative or synthetic drug of that group.

25 "Treatment" means inpatient services and programs for the

1 care and rehabilitation of intoxicated persons and persons
2 suffering from substance use disorders. "Treatment" includes
3 those services provided by the Department and services
4 provided by a narcotic treatment program.

5 (20 ILCS 301/26-5 new)

6 Sec. 26-5. Rights of persons subject to involuntary
7 treatment. Involuntary treatment ordered for a person
8 suffering from a substance use disorder shall follow the
9 procedures set forth in this Article. Except as otherwise
10 provided in this Article, all rights guaranteed to persons
11 subject to involuntary admission on an inpatient basis under
12 Articles I, II, VI, VII, VIII, and XI of Chapter III of the
13 Mental Health and Developmental Disabilities Code shall be
14 guaranteed to a person ordered to undergo involuntary
15 treatment for a substance use disorder.

16 (20 ILCS 301/26-10 new)

17 Sec. 26-10. Forms. The Department shall prescribe all
18 forms necessary for proceedings under this Article, and all
19 forms used in such proceedings shall comply substantially with
20 the forms so prescribed. The Department shall publish all
21 forms in electronic format and post the forms to its website.

22 (20 ILCS 301/26-15 new)

23 Sec. 26-15. Jurisdiction. The circuit court has

1 jurisdiction under this Article over persons subject to
2 involuntary treatment for substance use disorders.

3 Every petition, certificate, and proof of service required
4 by this Article shall be executed under penalty of perjury as
5 though under oath or affirmation, but no acknowledgment is
6 required.

7 (20 ILCS 301/26-20 new)

8 Sec. 26-20. Involuntary treatment. A person 18 years of
9 age or older may be subject to involuntary treatment for a
10 substance use disorder by court order in accordance with this
11 Article. No person shall be ordered to undergo involuntary
12 treatment for a substance use disorder unless that person:

13 (1) suffers from a substance use disorder;

14 (2) presents an imminent threat of danger to self,
15 family, or others as a result of a substance use disorder,
16 or there exists a substantial likelihood of such a threat
17 in the near future; and

18 (3) can reasonably benefit from treatment.

19 (20 ILCS 301/26-25 new)

20 Sec. 26-25. Petition for involuntary treatment.
21 Proceedings for 60 days or 360 days of involuntary treatment
22 for a person suffering from a substance use disorder shall be
23 initiated by the filing of a petition. The petition and all
24 subsequent court documents shall be entitled: "In the interest

1 of (name of respondent)." Any spouse, relative, or legal
2 guardian 18 years of age or older may execute a petition
3 asserting that the person is subject to involuntary treatment
4 for a substance use disorder. The petition shall be prepared
5 as required in Section 26-30 and shall be filed with the
6 circuit court in the county where the person resides or is
7 present.

8 (20 ILCS 301/26-30 new)

9 Sec. 26-30. Petition requirements. A petition asserting
10 that the respondent is subject to involuntary treatment for a
11 substance use disorder shall include all of the following:

12 (1) A detailed statement of the reason for the
13 assertion that the respondent is subject to involuntary
14 treatment for a substance use disorder, including the
15 signs and symptoms of substance use and a description of
16 any acts, threats, or other behavior or pattern of
17 behavior supporting the assertion and the time and place
18 of their occurrence.

19 (2) The name and address of the spouse, relative, or
20 legal guardian, if any, or if none, the name and address of
21 any known friend of the respondent whom the petitioner has
22 reason to believe may know or have any of the other names
23 and addresses. If the petitioner is unable to supply any
24 such names and addresses, the petitioner shall state that
25 diligent inquiry was made to learn this information and

1 specify the steps taken.

2 (3) The petitioner's relationship to the respondent
3 and a statement as to whether the petitioner has a legal or
4 financial interest in the matter or is involved in
5 litigation with the respondent. If the petitioner has a
6 legal or financial interest in the matter or is involved
7 in litigation with the respondent, a statement of why the
8 petitioner believes it would not be practicable or
9 possible for someone else to be the petitioner.

10 (4) The names, addresses, and phone numbers of the
11 witnesses by which the facts asserted may be proved.

12 Any petition filed in accordance with this Section shall
13 be accompanied by a guarantee, signed by the petitioner,
14 obligating that person to pay all costs for treatment of the
15 respondent for a substance use disorder that is ordered by the
16 court.

17 Knowingly making a material false statement in the
18 petition is a Class A misdemeanor.

19 (20 ILCS 301/26-45 new)

20 Sec. 26-45. Court and medical examinations.

21 (a) Upon receipt of the petition, the court shall examine
22 the petitioner under oath as to the contents of the petition.

23 (b) If, after reviewing the allegations contained in the
24 petition and examining the petitioner under oath, it appears
25 to the court that there is probable cause to believe the

1 respondent is subject to involuntary treatment for a substance
2 use disorder on an inpatient basis, then the court shall:

3 (1) set a date for a hearing within 14 days to
4 determine if there is probable cause to believe the
5 respondent should be subject to involuntary treatment for
6 a substance use disorder;

7 (2) notify the respondent, the respondent's legal
8 guardian, if any, the respondent's attorney, and the
9 respondent's spouse or relative concerning the allegations
10 and contents of the petition and the date and purpose of
11 the hearing; and

12 (3) cause the respondent to be examined no later than
13 24 hours before the hearing by a physician and by a
14 clinical psychologist or a psychiatrist; the examining
15 physician and the examining clinical psychologist or
16 psychiatrist must determine whether the respondent is
17 subject to involuntary treatment for a substance use
18 disorder and shall submit a certificate of all findings to
19 the court within 24 hours of the examination.

20 (c) If, upon completion of the hearing, the court finds
21 the respondent is subject to involuntary treatment for a
22 substance use disorder, then the court shall order such
23 treatment for a period not to exceed 60 consecutive days from
24 the date of the court order or a period not to exceed 360
25 consecutive days from the date of the court order, whatever
26 was the period of time that was requested in the petition or

1 otherwise agreed to at the hearing. Failure of a respondent to
2 undergo treatment ordered in accordance with this subsection
3 may place the respondent in contempt of court.

4 (d) If, at any time after the petition is filed, the court
5 finds that there is no probable cause to continue treatment or
6 if the petitioner withdraws the petition, then the proceedings
7 against the respondent shall be dismissed.

8 (20 ILCS 301/26-50 new)

9 Sec. 26-50. Emergency hospitalization.

10 (a) Following an examination by a physician and by a
11 clinical psychologist or a psychiatrist, and upon
12 certification by those examiners that the respondent meets the
13 criteria specified in Section 26-20, the court may order the
14 respondent hospitalized for a period not to exceed 72 hours if
15 the court finds, by clear and convincing evidence, that the
16 respondent presents an imminent threat of danger to self,
17 family, or others as a result of substance use.

18 (b) Any person who has been admitted to a hospital in
19 accordance with subsection (a) shall be released from the
20 hospital within 72 hours of admittance.

21 (c) No respondent ordered hospitalized under this Section
22 shall be held in jail pending transportation to the hospital
23 or evaluation unless the court has previously found the
24 respondent to be in contempt of court for either failure to
25 undergo treatment or failure to appear at the evaluation

1 ordered in accordance with Section 26-45.

2 (20 ILCS 301/26-55 new)

3 Sec. 26-55. Failure to attend examinations; summons. When
4 the court is authorized to issue an order that the respondent
5 be transported to a hospital, the court may issue a summons. If
6 the respondent fails to attend an examination scheduled before
7 the hearing provided for in Section 26-45, then the court
8 shall issue a summons. The summons shall be directed to the
9 respondent and shall command the respondent to appear at a
10 time and place therein specified. If a respondent who has been
11 summoned fails to appear at the hospital or the examination,
12 then the court may order the sheriff or other peace officer to
13 transport the respondent to a hospital or treatment facility
14 as designated by the Department. The sheriff or other peace
15 officer may, upon agreement of an individual authorized by the
16 peace officer, authorize the Department, a private agency on
17 contract with the Department, or an ambulance service provider
18 designated by the Department to transport the respondent to
19 the hospital or treatment facility. The transportation costs
20 of the sheriff, other peace officer, ambulance service, or
21 other private agency on contract with the Department shall be
22 included in the costs of treatment for substance use disorders
23 to be paid by the petitioner.

24 (20 ILCS 301/26-60 new)

1 Sec. 26-60. Hospitals and treatment facilities. The
2 Department shall, on at least an annual basis, submit the
3 following lists to the various circuit courts:

4 (1) a list of hospitals and treatment facilities in
5 the State that are able and willing to take respondents
6 ordered to undergo 72 hours of treatment and observation
7 in accordance with Section 26-50; and

8 (2) a list of hospitals and treatment providers in the
9 State that are able and willing to provide treatment for
10 substance use disorders ordered in accordance with Section
11 26-45 of this Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.