

AN ACT concerning health.

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

Section 5. The Overdose Prevention and Harm Reduction Act is amended by changing Section 5 and by adding Section 10 as follows:

(410 ILCS 710/5)

Sec. 5. Needle and hypodermic syringe access program.

(a) Any governmental or nongovernmental organization, including a local health department, community-based organization, or a person or entity, that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors may establish and operate a needle and hypodermic syringe access program. The objective of the program shall be accomplishing all of the following:

(1) reducing the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases;

(2) reducing the potential for needle stick injuries from discarded contaminated equipment; and

(3) facilitating connections or linkages to evidence-based treatment.

(b) Programs established under this Act shall provide all

of the following:

- (1) Disposal of used needles and hypodermic syringes.
- (2) Needles, hypodermic syringes, and other safer drug consumption supplies, at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, or other supplies are not shared or reused.
- (3) Educational materials or training on:
 - (A) overdose prevention and intervention; and
 - (B) the prevention of HIV, AIDS, viral hepatitis, and other common bloodborne diseases resulting from shared drug consumption equipment and supplies.
- (4) Access to opioid antagonists approved for the reversal of an opioid overdose, or referrals to programs that provide access to opioid antagonists approved for the reversal of an opioid overdose.
- (5) Linkages to needed services, including mental health treatment, housing programs, substance use disorder treatment, and other relevant community services.
- (6) Individual consultations from a trained employee tailored to individual needs.
- (7) If feasible, a hygienic, separate space for individuals who need to administer a prescribed injectable medication that can also be used as a quiet space to gather composure in the event of an adverse on-site incident, such as a nonfatal overdose.
- (8) If feasible, access to on-site drug adulterant

~~testing supplies such as reagents, test strips, or quantification instruments that provide critical real-time information on the composition of substances obtained for consumption.~~

(c) Notwithstanding any provision of the Illinois Controlled Substances Act, the Drug Paraphernalia Control Act, or any other law, no employee or volunteer of or participant in a program established under this Act shall be charged with or prosecuted for possession of any of the following:

(1) Needles, hypodermic syringes, or other drug consumption paraphernalia obtained from or returned, directly or indirectly, to a program established under this Act.

(2) Residual amounts of a controlled substance contained in used needles, used hypodermic syringes, or other used drug consumption paraphernalia obtained from or returned, directly or indirectly, to a program established under this Act.

(3) Drug adulterant testing supplies ~~such as reagents, test strips, or quantification instruments~~ obtained from or returned, directly or indirectly, to a program established under this Act or a pharmacy, hospital, clinic, or other health care facility or medical office dispensing drug adulterant testing supplies in accordance with Section 10. This paragraph also applies to any employee or customer of a pharmacy, hospital, clinic, or

other health care facility or medical office dispensing drug adulterant testing supplies in accordance with Section 10.

(4) Any residual amounts of controlled substances used in the course of testing the controlled substance to determine the chemical composition and potential threat of the substances obtained for consumption that are obtained from or returned, directly or indirectly, to a program established under this Act. This paragraph also applies to any person using drug adulterant testing supplies procured in accordance with Section 10 of this Act.

In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting on good faith, arrests or charges a person who is thereafter determined to be entitled to immunity from prosecution under this subsection (c) shall not be subject to civil liability for the arrest or filing of charges.

(d) Prior to the commencing of operations of a program established under this Act, the governmental or nongovernmental organization shall submit to the Illinois Department of Public Health all of the following information:

(1) the name of the organization, agency, group, person, or entity operating the program;

(2) the areas and populations to be served by the program; and

(3) the methods by which the program will meet the

requirements of subsection (b) of this Section.

The Department of Public Health may adopt rules to implement this subsection.

(Source: P.A. 101-356, eff. 8-9-19.)

(410 ILCS 710/10 new)

Sec. 10. Dispensing of drug adulterant testing supplies. A pharmacist, physician, advanced practice registered nurse, or physician assistant, or the pharmacist's, physician's, advanced practice registered nurse's, or physician assistant's designee, may dispense drug adulterant testing supplies to any person. Any drug adulterant testing supplies dispensed under this Section must be stored at a licensed pharmacy, hospital, clinic, or other health care facility or at the medical office of a physician, advanced practice registered nurse, or physician assistant and in a manner that limits access to the drug adulterant testing supplies to pharmacists, physicians, advanced practice registered nurses, or physician assistants employed at the pharmacy, hospital, clinic, or other health care facility or medical office and any persons designated by the pharmacist, physician, advanced practice registered nurse, or physician assistant. Drug adulterant testing supplies dispensed at a retail store containing a pharmacy under this Section may be dispensed only from the pharmacy department of the retail store. No quantity of drug adulterant testing supplies greater than necessary to conduct 5 assays of

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substances suspected of containing adulterants shall be dispensed in any single transaction.

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