

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 adding Section 15 as follows:

(410 ILCS 710/15 new)

Sec. 15. Fentanyl test strips. To further promote harm reduction efforts, a pharmacist or retailer may sell fentanyl test strips over-the-counter to the public to test for the presence of fentanyl, a fentanyl analog, or a drug adulterant within a controlled substance. A county health department may distribute fentanyl test strips at the county health department facility for no fee.

Section 10. The Drug Paraphernalia Control Act is amended by changing Section 2 as follows:

(720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) The term "cannabis" shall have the meaning ascribed to it in Section 3 of the Cannabis Control Act, as if that definition were incorporated herein.

(b) The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, as if that definition were incorporated herein.

(c) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

(d) "Drug paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act and cannabis paraphernalia as defined in Section 1-10 of the Cannabis Regulation and Tax Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:

(1) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

(2) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is a controlled substance;

(3) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(4) diluents and adulterants intended to be used unlawfully for cutting a controlled substance by private persons;

(5) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cocaine or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:

- (A) water pipes;
- (B) carburetion tubes and devices;
- (C) smoking and carburetion masks;
- (D) miniature cocaine spoons and cocaine vials;
- (E) carburetor pipes;
- (F) electric pipes;
- (G) air-driven pipes;
- (H) chillums;
- (I) bongs;
- (J) ice pipes or chillers;

(6) any item whose purpose, as announced or described

by the seller, is for use in violation of this Act.

"Drug paraphernalia" does not include equipment, products, or materials to analyze or test for the presence of fentanyl, a fentanyl analogue, or a drug adulterant within a controlled substance.

(Source: P.A. 101-593, eff. 12-4-19.)