



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4071

Introduced 1/13/2020, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act

Creates the Safer Consumption Services Act. Provides that, notwithstanding any provision of law to the contrary, the Department of Public Health may approve an entity to operate a program in one or more jurisdictions upon satisfaction of specified requirements relating to, among other things, the safe and hygienic use of preobtained drugs. Requires the Department to establish standards for program approval and training and allows it to adopt any rules that are necessary to implement the Act. Requires the Department to approve or deny an application within 45 days after its receipt. Provides that a program approved by the Department must also be designated as an authorized needle and hypodermic syringe access program under the Overdose Prevention and Harm Reduction Act. Provides reporting requirements for entities operating programs under the Act. Provides that, except for criminal prosecution for any activities that are not conducted, permitted, and approved pursuant to the Act, specified persons related to a program shall not be subject to civil or criminal liability solely for participation or involvement in the program if it is approved by the Department under the Act.

LRB101 15860 CPF 65217 b

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the Safer
5 Consumption Services Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

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

13 "Participant" means an individual who seeks to utilize,
14 utilizes, or has used a program established under this Act.

15 "Program" means a safer consumption services program
16 established under this Act.

17 Section 10. Program approval.

18 (a) Notwithstanding the Illinois Controlled Substances
19 Act, the Drug Paraphernalia Control Act, or any other provision
20 of law to the contrary, the Department may approve an entity to
21 operate a program in one or more jurisdictions upon
22 satisfaction of the requirements set forth in subsection (d).

1 The Department shall establish standards for program approval
2 and training and may adopt any rules that are necessary to
3 implement this Act.

4 (b) The Department shall approve or deny an application to
5 operate a program under this Act within 45 days after receipt
6 of the application and provide a written explanation of the
7 basis for its approval or denial.

8 (c) An entity may make an application to operate a program
9 under this Act at any time, regardless of previous
10 applications.

11 (d) The Department may approve an entity to operate a
12 program under this Act upon submission of an application
13 demonstrating that the entity shall, at a minimum:

14 (1) provide a hygienic space where participants may
15 consume their preobtained drugs that is separate from the
16 space in which the provider performs other business, if
17 any;

18 (2) provide adequate staffing by health care
19 professionals or other trained staff;

20 (3) provide sterile injection supplies, collect used
21 hypodermic needles and syringes, and provide secure
22 hypodermic needle and syringe disposal services;

23 (4) provide education on safe consumption practices,
24 proper disposal of hypodermic needles and syringes, and
25 overdose prevention, including written information in, at
26 a minimum, the 4 most commonly spoken languages in the

1 State as determined by the Department;

2 (5) administer first aid, if needed, and monitor
3 participants for potential overdose;

4 (6) provide referrals to addiction treatment, medical,
5 social welfare, and employment and training services;

6 (7) educate participants on the risks of contracting
7 HIV and viral hepatitis and provide sexual health resources
8 and supplies, including, but not limited to, male and
9 female condoms;

10 (8) provide participants access to naloxone or
11 referrals to obtain naloxone;

12 (9) provide reasonable and adequate security for the
13 program site and equipment;

14 (10) ensure confidentiality of program participants by
15 using an anonymous unique identifier;

16 (11) train staff members to deliver services offered by
17 the program or attend training provided by the Department,
18 if required; and

19 (12) establish operating procedures for the program
20 and eligibility criteria for program participants, if not
21 predetermined by the Department.

22 Section 15. Designation. A program approved by the
23 Department under this Act must also be designated as an
24 authorized needle and hypodermic syringe access program under
25 the Overdose Prevention and Harm Reduction Act.

1 Section 20. Reporting. An entity operating a program under
2 this Act shall provide an annual report to the Department at a
3 date set by the Department that shall include:

4 (1) the number of program participants;

5 (2) aggregate information regarding the
6 characteristics of program participants;

7 (3) the number of hypodermic needles and syringes
8 distributed for use on-site;

9 (4) the number of overdoses experienced and the number
10 of overdoses reversed on-site; and

11 (5) the number of individuals directly and formally
12 referred to other services and the type of service.

13 Section 25. Immunity provided. Notwithstanding the
14 Illinois Controlled Substances Act, the Drug Paraphernalia
15 Control Act, or any other provision of law to the contrary, the
16 following persons shall not be arrested, charged, or prosecuted
17 for any criminal offense or be subject to any civil or
18 administrative penalty, including seizure or forfeiture of
19 assets or real property or disciplinary action by a
20 professional licensing board, or be denied any right or
21 privilege, solely for participation or involvement in a program
22 approved by the Department under this Act:

23 (1) a program participant;

24 (2) a staff member or administrator of a program,

1 including a health care professional, manager, employee,
2 or volunteer; and

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

5 Section 30. Limitations on immunity. Notwithstanding the
6 provisions of Section 25, a property owner, staff member,
7 administrator, manager, employee, volunteer, or individual
8 utilizing or participating in a program under this Act is not
9 immune from criminal prosecution for any activities that are
10 not conducted, permitted, and approved under this Act.