

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 5. The Substance Use Disorder Act is amended by
5 changing Section 15-10 and by adding Section 5-26 as follows:

6 (20 ILCS 301/5-26 new)

7 Sec. 5-26. Safe consumption and overdose prevention
8 services.

9 (a) Definitions. As used in this Section:

10 "Department" means the Department of Human Services.

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

16 "Participant" means an individual who seeks to utilize,
17 utilizes, or has used a program established under this
18 Section.

19 "Program" means a safer consumption and overdose services
20 program established under this Section.

21 (b) Program approval.

22 (1) Notwithstanding the Illinois Controlled Substances
23 Act, the Drug Paraphernalia Control Act, or any other

1 provision of law to the contrary, the Department may
2 approve an entity to operate a program in one or more
3 jurisdictions upon satisfaction of the requirements set
4 forth under paragraph (4). The Department shall establish
5 standards for program approval and training and shall
6 adopt any rules that are necessary to license and monitor
7 the program.

8 (2) The Department shall establish a new intervention
9 license category entitled Harm Reduction Services and
10 shall approve or deny an application for a Harm Reduction
11 Services license in accordance with Section 15-10 of this
12 Act and as established by rule.

13 (3) An entity may make an application for a Harm
14 Reduction Services license at any time, regardless of
15 previous applications.

16 (4) The Department may approve a program under this
17 Section upon submission of an application, on a form
18 prescribed by the Department, demonstrating that the
19 entity shall, at a minimum:

20 (A) provide a hygienic space where participants
21 may consume their pre-obtained drugs;

22 (B) provide adequate staffing by health care
23 professionals or other trained staff;

24 (C) provide sterile injection supplies, collect
25 used hypodermic needles and syringes, provide secure
26 hypodermic needle and syringe disposal services, and

1 may provide other drug using supplies that reduce
2 harm;

3 (D) provide education on safe consumption
4 practices, proper disposal of hypodermic needles and
5 syringes, and overdose prevention, including written
6 information in, at a minimum, the 4 most commonly
7 spoken languages in the State as determined by the
8 Department;

9 (E) administer first aid, if needed, and monitor
10 participants for potential overdose;

11 (F) provide referrals to substance use disorder
12 treatment, recovery support services, medical, social
13 determinants of health, and employment and training
14 services;

15 (G) educate participants on the risks of
16 contracting infectious diseases and provide sexual
17 health resources and supplies, including, but not
18 limited to, condoms for male and female sex organs;

19 (H) provide participants access to naloxone;

20 (I) provide reasonable and adequate security for
21 the program site and equipment;

22 (J) ensure confidentiality of program participants
23 by using an anonymous unique identifier;

24 (K) train staff members to deliver services
25 offered by the program or attend training provided by
26 the Department, if required;

1 (L) establish operating procedures for the program
2 and eligibility criteria for program participants, if
3 not predetermined by the Department; and

4 (M) be designated as or collaborate with an
5 authorized needle and hypodermic syringe access
6 program under the Overdose Prevention and Harm
7 Reduction Act.

8 (c) Reporting. An entity operating a program under this
9 Section shall provide a report to the Department, within the
10 time frame specified by the Department, that shall include:

11 (1) the number of program participants;

12 (2) aggregate information regarding the
13 characteristics of program participants;

14 (3) the number of hypodermic needles, syringes, and
15 harm reduction supplies distributed for use on-site;

16 (4) the number of overdoses experienced and the number
17 of overdoses reversed on-site;

18 (5) the number of individuals directly and formally
19 referred to other services and the type of service;

20 (6) the number of significant incidents, as defined by
21 the Department, during the specified time frame; and

22 (7) the number of ancillary services provided to
23 family members and the public, including, but not limited
24 to, socials service referrals and educational services.

25 (d) Immunity provided. Notwithstanding the Illinois
26 Controlled Substances Act, the Drug Paraphernalia Control Act,

1 or any other provision of law to the contrary, the following
2 persons shall not be arrested, charged, or prosecuted for any
3 criminal offense or be subject to any civil or administrative
4 penalty, including seizure or forfeiture of assets or real
5 property or disciplinary action by a professional licensing
6 board, or be denied any right or privilege, solely for
7 participation or involvement in a program approved by the
8 Department under this Act:

9 (1) a program participant;

10 (2) a staff member or administrator of a program,
11 including a health care professional, manager, employee,
12 or volunteer; and

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

15 (20 ILCS 301/15-10)

16 Sec. 15-10. Licensure categories and services. No person
17 or program may provide the services or conduct the activities
18 described in this Section without first obtaining a license
19 therefor from the Department, unless otherwise exempted under
20 this Act. The Department shall, by rule, provide requirements
21 for each of the following types of licenses and categories of
22 service:

23 (a) Treatment: Categories of service authorized by a
24 treatment license are Early Intervention, Outpatient,
25 Intensive Outpatient/Partial Hospitalization, Subacute

1 Residential/Inpatient, and Withdrawal Management.
2 Medication assisted treatment that includes methadone used
3 for an opioid use disorder can be licensed as an adjunct to
4 any of the treatment levels of care specified in this
5 Section.

6 (b) Intervention: Categories of service authorized by
7 an intervention license are DUI Evaluation, DUI Risk
8 Education, Designated Program, Harm Reduction Services,
9 and Recovery Homes for persons in any stage of recovery
10 from a substance use disorder.

11 The Department may, under procedures established by rule
12 and upon a showing of good cause for such, exempt off-site
13 services from having to obtain a separate license for services
14 conducted away from the provider's licensed location.

15 (Source: P.A. 100-759, eff. 1-1-19.)