102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
HB3445


SYNOPSIS AS INTRODUCED:
New Act

Creates the Opioid Overdose Reduction Act. Provides that the Act may be referred to as Alex's Law. Provides that a person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an opioid overdose shall not be charged or prosecuted for possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog if certain conditions are met. Provides that a person who is experiencing an overdose shall not be charged or prosecuted for possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog if evidence for the possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance. Provides that a person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under the provisions. Effective August 16, 2021.
AN ACT concerning health.

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

Section 1. Short title; references to Act.
   (a) Short title. This Act may be cited as the Opioid Overdose Reduction Act.
   (b) References to Act. This Act may be referred to as Alex's Law.

Section 5. Person seeking medical assistance for an opioid overdose; immunity from prosecution.
   (a) A person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an opioid overdose shall not be charged or prosecuted for possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog if (i) evidence for the possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance and (ii) the person who seeks or obtains the medical assistance is the first person to seek or obtain the assistance, provides a name and contact information, remains on the scene until assistance arrives or is provided, and cooperates with the authorities.
   (b) A person who is experiencing an opioid overdose shall not be charged or prosecuted for possession of a controlled,
counterfeit, or look-alike substance or a controlled substance
analog if evidence for the possession charge was acquired as a
result of the person seeking or obtaining emergency medical
assistance.

(c) A person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under this Section.

(d) Nothing in this Section shall:

(1) be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualifies for limited immunity under this Section;

(2) preclude prosecution of a person on the basis of evidence obtained from an independent source;

(3) be construed to limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors; or

(4) prevent probation officers from conducting drug testing of persons on pretrial release, probation, furlough, supervised release, or parole.

Section 99. Effective date. This Act takes effect August 16, 2021.