

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; references to Act.

5 (a) Short title. This Act may be cited as the Opioid
6 Overdose Reduction Act.

7 (b) References to Act. This Act may be referred to as
8 Alex's Law.

9 Section 5. The Illinois Controlled Substances Act is
10 amended by changing Section 414 as follows:

11 (720 ILCS 570/414)

12 Sec. 414. Overdose; limited immunity.

13 (a) For the purposes of this Section, "overdose" means a
14 controlled substance-induced physiological event that results
15 in a life-threatening emergency to the individual who
16 ingested, inhaled, injected or otherwise bodily absorbed a
17 controlled, counterfeit, or look-alike substance or a
18 controlled substance analog.

19 (b) A person who, in good faith, seeks or obtains
20 emergency medical assistance for someone experiencing an
21 overdose shall not be arrested, charged, or prosecuted for a
22 violation of Section 401 or 402 of the Illinois Controlled

1 Substances Act, Section 3.5 of the Drug Paraphernalia Control
2 Act, Section 55 or 60 of the Methamphetamine Control and
3 Community Protection Act, Section 9-3.3 of the Criminal Code
4 of 2012, or paragraph (1) of subsection (g) of Section 12-3.05
5 of the Criminal Code of 2012 if evidence for the violation was
6 acquired as a result of the person seeking or obtaining
7 emergency medical assistance and providing the amount of
8 substance recovered is within the amount identified in
9 subsection (d) of this Section. The violations listed in this
10 subsection (b) must not serve as the sole basis of a violation
11 of parole, mandatory supervised release, probation, or
12 conditional discharge, a person's pretrial release, or
13 furlough, or any seizure of property under any State law
14 authorizing civil forfeiture so long as the evidence for the
15 violation was acquired as a result of the person seeking or
16 obtaining emergency medical assistance in the event of an
17 overdose.

18 (c) A person who is experiencing an overdose shall not be
19 arrested, charged, or prosecuted for a violation of Section
20 401 or 402 of the Illinois Controlled Substances Act, Section
21 3.5 of the Drug Paraphernalia Control Act, Section 9-3.3 of
22 the Criminal Code of 2012, or paragraph (1) of subsection (g)
23 of Section 12-3.05 of the Criminal Code of 2012 if evidence for
24 the violation was acquired as a result of the person seeking or
25 obtaining emergency medical assistance and providing the
26 amount of substance recovered is within the amount identified

1 in subsection (d) of this Section. The violations listed in
2 this subsection (c) must not serve as the sole basis of a
3 violation of parole, mandatory supervised release, probation,
4 or conditional discharge, or any seizure of property under any
5 State law authorizing civil forfeiture so long as the evidence
6 for the violation was acquired as a result of the person
7 seeking or obtaining emergency medical assistance in the event
8 of an overdose.

9 (d) For the purposes of subsections (b) and (c), the
10 limited immunity shall only apply to a person possessing the
11 following amount:

12 (1) less than 3 grams of a substance containing
13 heroin;

14 (2) less than 3 grams of a substance containing
15 cocaine;

16 (3) less than 3 grams of a substance containing
17 morphine;

18 (4) less than 40 grams of a substance containing
19 peyote;

20 (5) less than 40 grams of a substance containing a
21 derivative of barbituric acid or any of the salts of a
22 derivative of barbituric acid;

23 (6) less than 40 grams of a substance containing
24 amphetamine or any salt of an optical isomer of
25 amphetamine;

26 (7) less than 3 grams of a substance containing

1 lysergic acid diethylamide (LSD), or an analog thereof;

2 (8) less than 6 grams of a substance containing
3 pentazocine or any of the salts, isomers and salts of
4 isomers of pentazocine, or an analog thereof;

5 (9) less than 6 grams of a substance containing
6 methaqualone or any of the salts, isomers and salts of
7 isomers of methaqualone;

8 (10) less than 6 grams of a substance containing
9 phencyclidine or any of the salts, isomers and salts of
10 isomers of phencyclidine (PCP);

11 (11) less than 6 grams of a substance containing
12 ketamine or any of the salts, isomers and salts of isomers
13 of ketamine;

14 (12) less than 40 grams of a substance containing a
15 substance classified as a narcotic drug in Schedules I or
16 II, or an analog thereof, which is not otherwise included
17 in this subsection.

18 (e) The limited immunity described in subsections (b) and
19 (c) of this Section shall not be extended if law enforcement
20 has reasonable suspicion or probable cause to detain, arrest,
21 or search the person described in subsection (b) or (c) of this
22 Section for criminal activity and the reasonable suspicion or
23 probable cause is based on information obtained prior to or
24 independent of the individual described in subsection (b) or
25 (c) taking action to seek or obtain emergency medical
26 assistance and not obtained as a direct result of the action of

1 seeking or obtaining emergency medical assistance. Nothing in
2 this Section is intended to interfere with or prevent the
3 investigation, arrest, or prosecution of any person for the
4 delivery or distribution of cannabis, methamphetamine or other
5 controlled substances, drug-induced homicide, or any other
6 crime if the evidence of the violation is not acquired as a
7 result of the person seeking or obtaining emergency medical
8 assistance in the event of an overdose.

9 (Source: P.A. 102-4, eff. 4-27-21.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2022.