



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3203

Introduced 2/17/2023, by Rep. Tony M. McCombie

#### SYNOPSIS AS INTRODUCED:

410 ILCS 710/15 new  
720 ILCS 600/2

from Ch. 56 1/2, par. 2102

Amends the Overdose Prevention and Harm Reduction Act. Provides that a pharmacist may sell fentanyl test strips over-the-counter to the public to test for the presence of fentanyl, a fentanyl analogue, or a drug adulterant within a controlled substance. Provides that a county health department may distribute fentanyl test strips at the county health department facility for no fee. Amends the Drug Paraphernalia Control Act. Provides that "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.

LRB103 29413 CPF 55804 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 5. The Overdose Prevention and Harm Reduction Act  
5 is amended by adding Section 15 as follows:

6 (410 ILCS 710/15 new)

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

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

16 (720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

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

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

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

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

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

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

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

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

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

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

16                   (A) water pipes;

17                   (B) carburetion tubes and devices;

18                   (C) smoking and carburetion masks;

19                   (D) miniature cocaine spoons and cocaine vials;

20                   (E) carburetor pipes;

21                   (F) electric pipes;

22                   (G) air-driven pipes;

23                   (H) chillums;

24                   (I) bongs;

25                   (J) ice pipes or chillers;

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

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

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

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