

1 AN ACT concerning State government.

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

4 Section 5. The State Police Act is amended by changing  
5 Section 12.5 as follows:

6 (20 ILCS 2610/12.5)

7 Sec. 12.5. Zero tolerance drug policy. Any person employed  
8 by the Department of State Police who tests positive in  
9 accordance with established Departmental drug testing  
10 procedures for any substance prohibited by ~~the Cannabis Control~~  
11 ~~Act,~~ the Illinois Controlled Substances Act~~,~~ or the  
12 Methamphetamine Control and Community Protection Act shall be  
13 discharged from employment. Any person employed by the  
14 Department of State Police who tests positive in accordance  
15 with established Departmental drug testing procedures for any  
16 substance prohibited by the Cannabis Control Act may be  
17 discharged from employment. Refusal to submit to a drug test,  
18 ordered in accordance with Departmental procedures, by any  
19 person employed by the Department shall be construed as a  
20 positive test, and the person shall be discharged from  
21 employment. The changes made in this Section by this amendatory  
22 Act of the 100th General Assembly shall apply to all pending  
23 and future incidents under this Section.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 Section 10. The Unified Code of Corrections is amended by  
3 changing Section 3-7-2.5 as follows:

4 (730 ILCS 5/3-7-2.5)

5 Sec. 3-7-2.5. Zero tolerance drug policy.

6 (a) Any person employed by the Department of Corrections  
7 who tests positive in accordance with established Departmental  
8 drug testing procedures for any substance prohibited by ~~the~~  
9 ~~Cannabis Control Act,~~ the Illinois Controlled Substances Act,  
10 or the Methamphetamine Control and Community Protection Act  
11 shall be discharged from employment. Any person employed by the  
12 Department of Corrections who tests positive in accordance with  
13 established Departmental drug testing procedures for any  
14 substance prohibited by the Cannabis Control Act may be  
15 discharged from employment. Refusal to submit to a drug test,  
16 ordered in accordance with Departmental procedures, by any  
17 person employed by the Department shall be construed as a  
18 positive test, and the person shall be discharged from  
19 employment. The changes made in this Section by this amendatory  
20 Act of the 100th General Assembly shall apply to all pending  
21 and future incidents under this Section.

22 Testing of employees shall be conducted in accordance with  
23 established Departmental drug testing procedures. Changes to  
24 established drug testing procedures that are inconsistent with

1 the federal guidelines specified in the Mandatory Guidelines  
2 for Federal Workplace Drug Testing Program, 59 FR 29908, or  
3 that affect terms and conditions of employment, shall be  
4 negotiated with an exclusive bargaining representative in  
5 accordance with the Illinois Public Labor Relations Act.

6 (1) All samples used for the purpose of drug testing  
7 shall be collected by persons who have at least 15 hours of  
8 initial training in the proper collection procedures and at  
9 least 8 hours of annual follow-up training. Proof of this  
10 training shall be available upon request. In order to  
11 ensure that these persons possess the necessary knowledge,  
12 skills, and experience to carry out their duties, their  
13 training must include guidelines and procedures on  
14 maintaining the integrity of the collection process,  
15 ensuring the privacy of employees being tested, ensuring  
16 the security of the specimen, and avoiding conduct or  
17 statements that could be viewed as offensive or  
18 inappropriate. Proficiency in the proper collection  
19 process must be demonstrated prior to certification.

20 (2) With respect to any bargaining unit employee, the  
21 Department shall not initiate discipline of any employee  
22 who authorizes the testing of a split urine sample in  
23 accordance with established Departmental drug testing  
24 procedures until receipt by the Department of the test  
25 results from the split urine sample evidencing a positive  
26 test for any substance prohibited by the Cannabis Control

1 Act, the Illinois Controlled Substances Act, or the  
2 Methamphetamine Control and Community Protection Act.

3 (b) Any employee discharged in accordance with the  
4 provisions of subsection (a) shall not be eligible for rehire  
5 by the Department.

6 (Source: P.A. 98-757, eff. 7-16-14.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.