

1 AN ACT concerning education.

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

4 Section 3. The State Finance Act is amended by adding
5 Section 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 (Section scheduled to be repealed on July 1, 2011)

8 Sec. 5.719. The Performance-enhancing Substance Testing
9 Fund. This Section is repealed on July 1, 2011.

10 Section 5. The Interscholastic Athletic Organization Act
11 is amended by adding Section 1.5 as follows:

12 (105 ILCS 25/1.5 new)

13 (Section scheduled to be repealed on July 1, 2011)

14 Sec. 1.5. Prevention of use of performance-enhancing
15 substances in interscholastic athletics; random testing of
16 interscholastic athletes.

17 (a) In this Section, "association" means the Illinois High
18 School Association.

19 (b) The association shall prohibit a student from
20 participating in an athletic competition sponsored or
21 sanctioned by the association unless the following conditions

1 are met:

2 (1) the student agrees not to use any
3 performance-enhancing substances on the association's most
4 current banned drug classes list, and, if the student is
5 enrolled in high school, the student submits to random
6 testing for the presence of these substances in the
7 student's body, in accordance with the program established
8 under subsection (d) of this Section; and

9 (2) the association obtains from the student's parent a
10 statement signed by the parent and acknowledging the
11 following:

12 (A) that the parent's child, if enrolled in high
13 school, may be subject to random performance-enhancing
14 substance testing;

15 (B) that State law prohibits possessing,
16 dispensing, delivering, or administering a
17 performance-enhancing substance in a manner not
18 allowed by State law;

19 (C) that State law provides that bodybuilding,
20 muscle enhancement, or the increase of muscle bulk or
21 strength through the use of a performance-enhancing
22 substance by a person who is in good health is not a
23 valid medical purpose;

24 (D) that only a licensed practitioner with
25 prescriptive authority may prescribe a
26 performance-enhancing substance for a person; and

1 (E) that a violation of State law concerning
2 performance-enhancing substances is a criminal offense
3 punishable by confinement in jail or imprisonment.

4 (c) The association shall require that each athletic coach
5 for an extracurricular athletic activity sponsored or
6 sanctioned by the association at or above the 9th grade level
7 complete an educational program on the prevention of abuse of
8 performance-enhancing substances developed by the association.
9 The association shall also require the person to complete an
10 exam developed by the association showing a minimum proficiency
11 of understanding in methods to prevent the abuse of
12 performance-enhancing substances by students.

13 (d) The Department of Public Health shall provide oversight
14 of the annual administration of a performance-enhancing
15 substance testing program by the association under which high
16 school students participating in an athletic competition
17 sponsored or sanctioned by the association are tested at
18 multiple times throughout the athletic season for the presence
19 of performance-enhancing substances on the association's most
20 current banned drug classes list in the students' bodies. The
21 association may alter its current performance-enhancing
22 substance testing program to comply with this subsection (d).
23 The testing program must do the following:

24 (1) require the random testing of at least 1,000 high
25 school students in this State who participate in athletic
26 competitions sponsored or sanctioned by the association;

1 (2) provide for the selection of specific students
2 described in subdivision (1) of this subsection (d) for
3 testing through a process that randomly selects students
4 from a single pool consisting of all students who
5 participate in any activity for which the association
6 sponsors or sanctions athletic competitions;

7 (3) be administered at approximately 25% of the high
8 schools in this State that participate in athletic
9 competitions sponsored or sanctioned by the association;

10 (4) provide for a process for confirming any initial
11 positive test result through a subsequent test conducted as
12 soon as practicable after the initial test, using a sample
13 that was obtained at the same time as the sample used for
14 the initial test;

15 (5) require the testing to be performed only by a
16 performance-enhancing substance testing laboratory with
17 current certification from the Substance Abuse and Mental
18 Health Services Administration of the United States
19 Department of Health and Human Services, the World
20 Anti-Doping Agency, or another appropriate national or
21 international-certifying organization; the testing
22 laboratory must be chosen following State procurement
23 procedures;

24 (6) require that a trained observer, of the appropriate
25 sex, witness the student provide the test sample;

26 (7) require that the student be chaperoned by a

1 school-designated official from the time he or she is
2 notified of the test until he or she has completed
3 delivering the test sample;

4 (8) provide for a period of ineligibility from
5 participation in an athletic competition sponsored or
6 sanctioned by the association for any student with a
7 confirmed positive test result or any student who refuses
8 to submit to random testing;

9 (9) provide for a school or team penalty on a
10 case-by-case basis, to be determined by the contribution of
11 a student with a confirmed positive test result to the team
12 or the school's lack of enforcement of the rules of the
13 testing program or both;

14 (10) provide for a penalty for any coach who knowingly
15 violates the rules of the testing program; and

16 (11) require that coaches be responsible for providing
17 a copy of the association's most current banned drug
18 classes list to every high school student participating in
19 an athletic competition sponsored or sanctioned by the
20 association.

21 The Department of Public Health may adopt rules for the
22 administration of this Section.

23 (e) Results of a performance-enhancing substance test
24 conducted under subsection (d) of this Section are confidential
25 and, unless required by court order, may be disclosed only to
26 the student and the student's parent and the activity

1 directors, principal, and assistant principals of the school
2 attended by the student.

3 (f) The Performance-enhancing Substance Testing Fund is
4 created as a special fund in the State treasury. All money in
5 the Fund shall be used, subject to appropriation, by the
6 Department of Public Health to distribute as grants to pay the
7 costs of the performance-enhancing substance testing program
8 established under subsection (d) of this Section. The General
9 Assembly may appropriate additional funding for the testing
10 program, to be distributed as grants through the Department of
11 Public Health.

12 (g) Subdivision (1) of subsection (b) of this Section does
13 not apply to the use by a student of a performance-enhancing
14 substance that is dispensed, prescribed, delivered, or
15 administered by a medical practitioner for a valid medical
16 purpose and in the course of professional practice, and the
17 student is not subject to a period of ineligibility under
18 subdivision (8) of subsection (d) of this Section on the basis
19 of that use as long as the student's coach has provided the
20 student with a copy of the association's most current banned
21 drug classes list, the student has consulted with his or her
22 medical practitioner to confirm the valid use of the substance,
23 and the student has notified his or her coach or a school
24 administrator of a prescription for the use of the substance
25 for valid medical purposes. Students that are prescribed such a
26 substance, after receiving a copy of the association's most

1 current banned drug classes list, are required to provide
2 notice of that prescription at the time the prescription is
3 issued. Any information concerning a student's use of a
4 performance-enhancing substance obtained by a coach or school
5 administrator under this subsection (g) is confidential and may
6 be disclosed only to those persons necessary to the
7 determination of eligibility under this subsection (g).

8 (h) Neither the association nor any of its directors or
9 employees shall be liable and no cause of action may be brought
10 against the association or any of its directors or employees
11 for damages in connection with the performance of the
12 association's responsibilities under this Section, unless an
13 act or omission involved willful or wanton conduct.

14 (i) This Section is repealed on July 1, 2011.

15 Section 10. The Unified Code of Corrections is amended by
16 changing Section 5-9-1.1 as follows:

17 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

18 (Text of Section from P.A. 94-550)

19 Sec. 5-9-1.1. Drug related offenses.

20 (a) When a person has been adjudged guilty of a drug
21 related offense involving possession or delivery of cannabis or
22 possession or delivery of a controlled substance, other than
23 methamphetamine, as defined in the Cannabis Control Act, as
24 amended, or the Illinois Controlled Substances Act, as amended,

1 in addition to any other penalty imposed, a fine shall be
2 levied by the court at not less than the full street value of
3 the cannabis or controlled substances seized.

4 "Street value" shall be determined by the court on the
5 basis of testimony of law enforcement personnel and the
6 defendant as to the amount seized and such testimony as may be
7 required by the court as to the current street value of the
8 cannabis or controlled substance seized.

9 (b) In addition to any penalty imposed under subsection (a)
10 of this Section, a fine of \$100 shall be levied by the court,
11 the proceeds of which shall be collected by the Circuit Clerk
12 and remitted to the State Treasurer under Section 27.6 of the
13 Clerks of Courts Act for deposit into the Trauma Center Fund
14 for distribution as provided under Section 3.225 of the
15 Emergency Medical Services (EMS) Systems Act.

16 (c) In addition to any penalty imposed under subsection (a)
17 of this Section, a fee of \$5 shall be assessed by the court,
18 the proceeds of which shall be collected by the Circuit Clerk
19 and remitted to the State Treasurer under Section 27.6 of the
20 Clerks of Courts Act for deposit into the Spinal Cord Injury
21 Paralysis Cure Research Trust Fund. This additional fee of \$5
22 shall not be considered a part of the fine for purposes of any
23 reduction in the fine for time served either before or after
24 sentencing.

25 (d) In addition to any penalty imposed under subsection (a)
26 of this Section for a drug related offense involving possession

1 or delivery of cannabis or possession or delivery of a
2 controlled substance as defined in the Cannabis Control Act,
3 the Illinois Controlled Substances Act, or the Methamphetamine
4 Control and Community Protection Act, a fee of \$50 shall be
5 assessed by the court, the proceeds of which shall be collected
6 by the Circuit Clerk and remitted to the State Treasurer under
7 Section 27.6 of the Clerks of Courts Act for deposit into the
8 Performance-enhancing Substance Testing Fund. This additional
9 fee of \$50 shall not be considered a part of the fine for
10 purposes of any reduction in the fine for time served either
11 before or after sentencing. The provisions of this subsection
12 (d), other than this sentence, are inoperative after June 30,
13 2011.

14 (Source: P.A. 94-550, eff. 1-1-06.)

15 (Text of Section from P.A. 94-556)

16 Sec. 5-9-1.1. Drug related offenses.

17 (a) When a person has been adjudged guilty of a drug
18 related offense involving possession or delivery of cannabis or
19 possession or delivery of a controlled substance as defined in
20 the Cannabis Control Act, the Illinois Controlled Substances
21 Act, or the Methamphetamine Control and Community Protection
22 Act, in addition to any other penalty imposed, a fine shall be
23 levied by the court at not less than the full street value of
24 the cannabis or controlled substances seized.

25 "Street value" shall be determined by the court on the

1 basis of testimony of law enforcement personnel and the
2 defendant as to the amount seized and such testimony as may be
3 required by the court as to the current street value of the
4 cannabis or controlled substance seized.

5 (b) In addition to any penalty imposed under subsection (a)
6 of this Section, a fine of \$100 shall be levied by the court,
7 the proceeds of which shall be collected by the Circuit Clerk
8 and remitted to the State Treasurer under Section 27.6 of the
9 Clerks of Courts Act for deposit into the Trauma Center Fund
10 for distribution as provided under Section 3.225 of the
11 Emergency Medical Services (EMS) Systems Act.

12 (c) In addition to any penalty imposed under subsection (a)
13 of this Section, a fee of \$5 shall be assessed by the court,
14 the proceeds of which shall be collected by the Circuit Clerk
15 and remitted to the State Treasurer under Section 27.6 of the
16 Clerks of Courts Act for deposit into the Spinal Cord Injury
17 Paralysis Cure Research Trust Fund. This additional fee of \$5
18 shall not be considered a part of the fine for purposes of any
19 reduction in the fine for time served either before or after
20 sentencing.

21 (d) In addition to any penalty imposed under subsection (a)
22 of this Section for a drug related offense involving possession
23 or delivery of cannabis or possession or delivery of a
24 controlled substance as defined in the Cannabis Control Act,
25 the Illinois Controlled Substances Act, or the Methamphetamine
26 Control and Community Protection Act, a fee of \$50 shall be

1 assessed by the court, the proceeds of which shall be collected
2 by the Circuit Clerk and remitted to the State Treasurer under
3 Section 27.6 of the Clerks of Courts Act for deposit into the
4 Performance-enhancing Substance Testing Fund. This additional
5 fee of \$50 shall not be considered a part of the fine for
6 purposes of any reduction in the fine for time served either
7 before or after sentencing. The provisions of this subsection
8 (d), other than this sentence, are inoperative after June 30,
9 2011.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.