



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5602

by Rep. Charles E. Meier

SYNOPSIS AS INTRODUCED:

5 ILCS 430/99-15 new
305 ILCS 5/11-32 new

Amends the State Officials and Employees Ethics Act. Requires random substance abuse testing for every employee, appointee, and officer in the State. Requires the Department of Central Management Services to develop and implement this testing by rule, including disciplinary measures and compliance. Provides that if an elected official tests positive for substance abuse, he or she shall have his or her compensation withheld until such time as he or she is re-tested and tests negative for substance abuse. Requires the Department of Central Management Services to submit an annual report on the testing program that includes: (1) the number of individuals tested, the substances tested for, and the results of testing; (2) the costs of the testing; and (3) discipline, if any, that had been imposed. Adds corresponding provisions in the Illinois Public Aid Code that apply to recipients of financial aid under the Code. Effective immediately.

LRB098 19098 OMW 54248 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by adding Section 99-15 as follows:

6 (5 ILCS 430/99-15 new)

7 Sec. 99-15. Random substance abuse testing.

8 (a) Notwithstanding any other provision of law, every
9 employee, appointee, and officer governed under this Act is
10 subject to random substance abuse testing. The Department of
11 Central Management Services shall by rule develop and implement
12 the testing required under this Section.

13 (b) An employee, appointee, or officer who tests positive
14 shall be disciplined in a manner determined by the Department
15 of Central Management Services by rule. If an elected official
16 tests positive under this Section, he or she shall have his or
17 her compensation withheld until such time as he or she is
18 re-tested and tests negative for substance abuse.

19 (c) An individual shall not be considered to have tested
20 positive for substance abuse until the sample has been
21 re-tested to rule out a false positive using the same sample
22 obtained in the original test. The Department of Central
23 Management Services may by rule exempt an individual from

1 substance abuse testing required under this Section if the
2 individual has been ordered to participate, and is
3 participating, in a substance abuse rehabilitation program.

4 (d) Failure to comply with substance abuse testing under
5 this Section shall be disciplined in a manner determined by the
6 Department of Central Management Services by rule.

7 (e) The Department of Central Management Services shall
8 submit an annual report on the testing program under this
9 Section to the General Assembly. The report shall include, but
10 not be limited to, the following:

11 (1) the number of individuals tested, the substances
12 tested for, and the results of testing;

13 (2) the costs of the testing; and

14 (3) discipline, if any, that had been imposed on
15 employees, appointees, and officers under this Section.

16 Section 10. The Illinois Public Aid Code is amended by
17 adding Section 11-32 as follows:

18 (305 ILCS 5/11-32 new)

19 Sec. 11-32. Random substance abuse testing.

20 (a) Notwithstanding any other provision of law, every
21 recipient of financial aid under this Code is subject to random
22 substance abuse testing as a condition for assistance under a
23 program under this Code. The Department of Human Services shall
24 by rule develop and implement the testing required under this

1 Act.

2 (b) A recipient of financial aid who tests positive shall
3 agree to and participate in substance abuse assessment and
4 shall comply with a required substance abuse treatment plan
5 developed by the Department of Human Services by rule.

6 (c) An individual shall not be considered to have tested
7 positive for substance abuse until the sample has been
8 re-tested to rule out a false positive using the same sample
9 obtained in the original test. The Department of Human Services
10 may by rule exempt an individual from substance abuse testing
11 required under this Section if the individual has been ordered
12 to participate, and is participating, in a substance abuse
13 rehabilitation program.

14 (d) Failure to comply with substance abuse testing under
15 this Section shall be penalized in a manner determined by the
16 Department of Human Services by rule.

17 (e) The Department of Human Services shall submit an annual
18 report on the testing program under this Section to the General
19 Assembly. The report shall include, but not be limited to, the
20 following:

21 (1) the number of individuals tested, the substances
22 tested for, the results of testing, and the number of
23 referrals for treatment;

24 (2) the costs of the testing and the resulting
25 treatment;

26 (3) penalties, if any, that had been imposed on

1 recipients of financial assistance under this Section; and
2 (4) the percentage and number of households receiving
3 financial assistance under this Code who has tested
4 positive for substance abuse under this Section.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.