

AN ACT concerning education.

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

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

(30 ILCS 105/5.719 new)

(Section scheduled to be repealed on July 1, 2011)

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 This Section is repealed on July 1, 2011.

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

(105 ILCS 25/1.5 new)

(Section scheduled to be repealed on July 1, 2011)

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

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

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

are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) require that the student be chaperoned by a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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