



Sen. John J. Cullerton

Filed: 3/8/2018

10000SB3136sam001

LRB100 20721 RLC 37114 a

1 AMENDMENT TO SENATE BILL 3136

2 AMENDMENT NO. _____. Amend Senate Bill 3136 by replacing
3 everything after the enacting clause with the following:

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~~7~~ 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

1 discharged from employment. Refusal to submit to a drug test,
2 ordered in accordance with Departmental procedures, by any
3 person employed by the Department may ~~shall~~ be construed as a
4 positive test, and the person shall be discharged from
5 employment. The changes made in this Section by this amendatory
6 Act of the 100th General Assembly shall apply to all pending
7 and future incidents under this Section.

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

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

11 (730 ILCS 5/3-7-2.5)

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

13 (a) Any person employed by the Department of Corrections
14 who tests positive in accordance with established Departmental
15 drug testing procedures for any substance prohibited by ~~the~~
16 ~~Cannabis Control Act,~~ the Illinois Controlled Substances Act,
17 or the Methamphetamine Control and Community Protection Act
18 shall be discharged from employment. Any person employed by the
19 Department of Corrections who tests positive in accordance with
20 established Departmental drug testing procedures for any
21 substance prohibited by the Cannabis Control Act may be
22 discharged from employment. Refusal to submit to a drug test,
23 ordered in accordance with Departmental procedures, by any
24 person employed by the Department may ~~shall~~ be construed as a

1 positive test, and the person shall be discharged from
2 employment. The changes made in this Section by this amendatory
3 Act of the 100th General Assembly shall apply to all pending
4 and future incidents under this Section.

5 Testing of employees shall be conducted in accordance with
6 established Departmental drug testing procedures. Changes to
7 established drug testing procedures that are inconsistent with
8 the federal guidelines specified in the Mandatory Guidelines
9 for Federal Workplace Drug Testing Program, 59 FR 29908, or
10 that affect terms and conditions of employment, shall be
11 negotiated with an exclusive bargaining representative in
12 accordance with the Illinois Public Labor Relations Act.

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

1 (2) With respect to any bargaining unit employee, the
2 Department shall not initiate discipline of any employee
3 who authorizes the testing of a split urine sample in
4 accordance with established Departmental drug testing
5 procedures until receipt by the Department of the test
6 results from the split urine sample evidencing a positive
7 test for any substance prohibited by the Cannabis Control
8 Act, the Illinois Controlled Substances Act, or the
9 Methamphetamine Control and Community Protection Act.

10 (b) Any employee discharged in accordance with the
11 provisions of subsection (a) shall not be eligible for rehire
12 by the Department.

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

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