



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5194

by Rep. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.3 new

Amends the Illinois Vehicle Code. Provides that the Illinois State Police shall establish an oral fluid roadside analysis pilot program for one year. Requires the Illinois State Police, under the pilot program, to perform a roadside preliminary oral fluid analysis to determine whether an individual is driving while under the influence of a controlled substance. Provides that within 90 days after the conclusion of the pilot program, the Illinois State Police shall submit a report of its findings to the General Assembly. Repeals the new provisions on January 1, 2023. Effective immediately.

LRB101 18111 LNS 67551 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-501.3 as follows:

6 (625 ILCS 5/11-501.3 new)

7 Sec. 11-501.3. Roadside preliminary oral fluid analysis
8 pilot program.

9 (a) The Illinois State Police shall establish an oral fluid
10 roadside analysis pilot program in this State for one year. The
11 pilot program shall require the Illinois State Police to
12 perform a roadside preliminary oral fluid analysis to determine
13 whether an individual is driving while under the influence of a
14 controlled substance in violation of Section 11-501.

15 (b) The Illinois State Police shall select 5 counties in
16 which to implement the pilot program established under this
17 Section.

18 (c) A county is eligible to participate in the pilot
19 program if the county has a law enforcement agency within its
20 boundary, including, but not limited to, an Illinois State
21 Police post, a sheriff's department, or a municipal police
22 department, that employs at least one law enforcement officer
23 who is a certified drug recognition expert.

1 (d) The Illinois State Police shall develop a written
2 policy for the implementation of the pilot program and the
3 administration of roadside oral fluid drug testing.

4 (e) The Illinois State Police may adopt rules necessary to
5 implement the pilot program.

6 (f) Within 90 days after the conclusion of the pilot
7 program, the Illinois State Police shall submit a report to the
8 General Assembly containing the following information:

9 (1) how the pilot program counties were selected;

10 (2) the different types of law enforcement agencies in
11 the pilot program participant counties that engaged in
12 preliminary roadside oral fluid analysis; and

13 (3) relevant statistical data, including, but not
14 limited to:

15 (i) the number and type of traffic stops resulting
16 in an arrest for operating a vehicle under the
17 influence of a controlled substance in violation of
18 Section 11-501 as a result of preliminary roadside oral
19 fluid analysis by a certified drug recognition expert;
20 and

21 (ii) the number and type of convictions resulting
22 from an arrest made based on the result of a
23 preliminary roadside oral fluid analysis by a
24 certified drug recognition expert.

25 (g) As used in this Section:

26 "Certified drug recognition expert" means a law

1 enforcement officer trained to recognize impairment in a driver
2 under the influence of a controlled substance other than, or in
3 addition to, alcohol.

4 "Controlled substance" has the meaning provided in the
5 Illinois Controlled Substances Act.

6 "Preliminary oral fluid analysis" means the on-site taking
7 of a preliminary oral fluid test, performed by a certified drug
8 recognition expert, from the oral fluid of a person for the
9 purpose of detecting the presence of a controlled substance.

10 (h) This Section is repealed January 1, 2023.

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