



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3152

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.58 new

Amends the Environmental Protection Act. Provides that drug evidence that is placed into a drug destruction device by a law enforcement agency at the location where the evidence is stored by the agency and that is destroyed under the supervision of the agency in accordance with the specifications of the device manufacturer shall not be considered discarded or a waste under the Act until it is rendered non-retrievable. Effective immediately.

LRB099 10168 MGM 30391 b

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 22.58 as follows:

6 (415 ILCS 5/22.58 new)

7 Sec. 22.58. Drug destruction by law enforcement agency.

8 (a) For purposes of this Section:

9 "Drug destruction device" means a device that is (i)
10 designed by its manufacturer to destroy drug evidence and
11 render it non-retrievable and (ii) used exclusively for
12 that purpose.

13 "Drug evidence" means any illegal drug collected as
14 evidence by a law enforcement agency. "Drug evidence" does
15 not include hazardous waste.

16 "Illegal drug" means any one or more of the following
17 when obtained without a prescription or otherwise in
18 violation of the law:

19 (1) any substance as defined and included in the
20 Schedules of Article II of the Illinois Controlled
21 Substances Act;

22 (2) any cannabis as defined in Section 3 of the
23 Cannabis Control Act; or

1 (3) any drug as defined in paragraph (b) of Section
2 3 of the Pharmacy Practice Act.

3 "Law enforcement agency" means an agency of this State
4 or unit of local government that is vested by law or
5 ordinance with the duty to maintain public order and to
6 enforce criminal laws or ordinances.

7 "Non-retrievable" means the condition or state
8 following a process that permanently alters the illegal
9 drug's physical or chemical condition or state through
10 irreversible means and thereby renders the illegal drug
11 unavailable and unusable for all practical purposes.

12 (b) To the extent allowed under federal law, drug evidence
13 that is placed into a drug destruction device by a law
14 enforcement agency at the location where the evidence is stored
15 by the agency and that is destroyed under the supervision of
16 the agency in accordance with the specifications of the device
17 manufacturer shall not be considered discarded or a waste under
18 this Act until it is rendered non-retrievable.

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