

AN ACT concerning safety.

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

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

(415 ILCS 5/22.58 new)

Sec. 22.58. Drug destruction by law enforcement agency.

(a) For purposes of this Section:

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

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

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

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

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

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

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

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

(b) To the extent allowed under federal law, 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 this Act until it is rendered non-retrievable.

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