

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 17-28 as follows:

6 (720 ILCS 5/17-28 new)

7 Sec. 17-28. Defrauding drug and alcohol screening
8 tests.

9 (a) It is unlawful for a person to:

10 (1) manufacture, sell, give away, distribute, or
11 market synthetic or human substances or other products in
12 this State or transport urine into this State with the
13 intent of using the synthetic or human substances or other
14 products to defraud a drug or alcohol screening test;

15 (2) attempt to foil or defeat a drug or alcohol
16 screening test by the substitution or spiking of a sample
17 or the advertisement of a sample substitution or other
18 spiking device or measure;

19 (3) adulterate synthetic or human substances with the
20 intent to defraud a drug or alcohol screening test; or

21 (4) manufacture, sell, or possess adulterants that are
22 intended to be used to adulterate synthetic or human
23 substances for the purpose of defrauding a drug or alcohol
24 screening test.

25 (b) For the purpose of determining the intent of the
26 defendant who is charged with a violation of this Section, the
27 trier of fact may take into consideration whether or not a
28 heating element or any other device used to thwart a drug or
29 alcohol screening test accompanies the sale, giving,
30 distribution, or marketing of synthetic or human substances or
31 other products or whether or not instructions that provide a
32 method for thwarting a drug or alcohol screening test accompany

1 the sale, giving, distribution, or marketing of synthetic or
2 human substances or other products.

3 (c) Sentence. A violation of this Section is a Class 4
4 felony for which the court shall impose a minimum fine of
5 \$1,000.

6 (d) For the purposes of this Section, "drug or alcohol
7 screening test" includes, but is not limited to, urine testing,
8 hair follicle testing, perspiration testing, saliva testing,
9 blood testing, fingernail testing, and eye drug testing.

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