



Rep. Jack D. Franks

Filed: 3/11/2009

09600HB0272ham002

LRB096 04765 NHT 23623 a

1 AMENDMENT TO HOUSE BILL 272

2 AMENDMENT NO. _____. Amend House Bill 272, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 3. The State Finance Act is amended by adding
6 Section 5.719 as follows:

7 (30 ILCS 105/5.719 new)

8 (Section scheduled to be repealed on July 1, 2011)

9 Sec. 5.719. The Performance-enhancing Substance Testing
10 Fund. This Section is repealed on July 1, 2011.

11 Section 5. The Interscholastic Athletic Organization Act
12 is amended by adding Section 1.5 as follows:

13 (105 ILCS 25/1.5 new)

14 (Section scheduled to be repealed on July 1, 2011)

1 Sec. 1.5. Prevention of use of performance-enhancing
2 substances in interscholastic athletics; random testing of
3 interscholastic athletes.

4 (a) In this Section, "association" means the Illinois High
5 School Association.

6 (b) The association shall prohibit a student from
7 participating in an athletic competition sponsored or
8 sanctioned by the association unless the following conditions
9 are met:

10 (1) the student agrees not to use any
11 performance-enhancing substances on the association's most
12 current banned drug classes list, and, if the student is
13 enrolled in high school, the student submits to random
14 testing for the presence of these substances in the
15 student's body, in accordance with the program established
16 under subsection (d) of this Section; and

17 (2) the association obtains from the student's parent a
18 statement signed by the parent and acknowledging the
19 following:

20 (A) that the parent's child, if enrolled in high
21 school, may be subject to random performance-enhancing
22 substance testing;

23 (B) that State law prohibits possessing,
24 dispensing, delivering, or administering a
25 performance-enhancing substance in a manner not
26 allowed by State law;

1 (C) that State law provides that bodybuilding,
2 muscle enhancement, or the increase of muscle bulk or
3 strength through the use of a performance-enhancing
4 substance by a person who is in good health is not a
5 valid medical purpose;

6 (D) that only a licensed practitioner with
7 prescriptive authority may prescribe a
8 performance-enhancing substance for a person; and

9 (E) that a violation of State law concerning
10 performance-enhancing substances is a criminal offense
11 punishable by confinement in jail or imprisonment.

12 (c) The association shall require that each athletic coach
13 for an extracurricular athletic activity sponsored or
14 sanctioned by the association at or above the 9th grade level
15 complete an educational program on the prevention of abuse of
16 performance-enhancing substances developed by the association.
17 The association shall also require the person to complete an
18 exam developed by the association showing a minimum proficiency
19 of understanding in methods to prevent the abuse of
20 performance-enhancing substances by students.

21 (d) The Department of Public Health shall provide oversight
22 of the annual administration of a performance-enhancing
23 substance testing program by the association under which high
24 school students participating in an athletic competition
25 sponsored or sanctioned by the association are tested at
26 multiple times throughout the athletic season for the presence

1 of performance-enhancing substances on the association's most
2 current banned drug classes list in the students' bodies. The
3 association may alter its current performance-enhancing
4 substance testing program to comply with this subsection (d).

5 The testing program must do the following:

6 (1) require the random testing of at least 1,000 high
7 school students in this State who participate in athletic
8 competitions sponsored or sanctioned by the association;

9 (2) provide for the selection of specific students
10 described in subdivision (1) of this subsection (d) for
11 testing through a process that randomly selects students
12 from a single pool consisting of all students who
13 participate in any activity for which the association
14 sponsors or sanctions athletic competitions;

15 (3) be administered at approximately 25% of the high
16 schools in this State that participate in athletic
17 competitions sponsored or sanctioned by the association;

18 (4) provide for a process for confirming any initial
19 positive test result through a subsequent test conducted as
20 soon practicable after the initial test, using a sample
21 that was obtained at the same time as the sample used for
22 the initial test;

23 (5) require the testing to be performed only by a
24 performance-enhancing substance testing laboratory with
25 current certification from the Substance Abuse and Mental
26 Health Services Administration of the United States

1 Department of Health and Human Services, the World
2 Anti-Doping Agency, or another appropriate national or
3 international-certifying organization; the testing
4 laboratory must be chosen following State procurement
5 procedures;

6 (6) require that a trained observer, of the appropriate
7 sex, witness the student provide the test sample;

8 (7) require that the student be chaperoned by a
9 school-designated official from the time he or she is
10 notified of the test until he or she has completed
11 delivering the test sample;

12 (8) provide for a period of ineligibility from
13 participation in an athletic competition sponsored or
14 sanctioned by the association for any student with a
15 confirmed positive test result or any student who refuses
16 to submit to random testing;

17 (9) provide for a school or team penalty on a
18 case-by-case basis, to be determined by the contribution of
19 a student with a confirmed positive test result to the team
20 or the school's lack of enforcement of the rules of the
21 testing program or both;

22 (10) provide for a penalty for any coach who knowingly
23 violates the rules of the testing program; and

24 (11) require that coaches be responsible for providing
25 a copy of the association's most current banned drug
26 classes list to every high school student participating in

1 an athletic competition sponsored or sanctioned by the
2 association.

3 The Department of Public Health may adopt rules for the
4 administration of this Section.

5 (e) Results of a performance-enhancing substance test
6 conducted under subsection (d) of this Section are confidential
7 and, unless required by court order, may be disclosed only to
8 the student and the student's parent and the activity
9 directors, principal, and assistant principals of the school
10 attended by the student.

11 (f) The Performance-enhancing Substance Testing Fund is
12 created as a special fund in the State treasury. All money in
13 the Fund shall be used, subject to appropriation, by the
14 Department of Public Health to distribute as grants to pay the
15 costs of the performance-enhancing substance testing program
16 established under subsection (d) of this Section. The
17 Performance-enhancing Substance Testing Fund shall not be
18 subject to sweeps, administrative charges, or chargebacks or
19 any other fiscal or budgetary maneuver that would in any way
20 result in the transfer of any funds from the
21 Performance-enhancing Substance Testing Fund to any other fund
22 of this State or having any such funds utilized for any purpose
23 other than to pay for the costs of the testing program. The
24 General Assembly may appropriate additional funding for the
25 testing program, to be distributed as grants through the
26 Department of Public Health.

1 (g) Subdivision (1) of subsection (b) of this Section does
2 not apply to the use by a student of a performance-enhancing
3 substance that is dispensed, prescribed, delivered, or
4 administered by a medical practitioner for a valid medical
5 purpose and in the course of professional practice, and the
6 student is not subject to a period of ineligibility under
7 subdivision (8) of subsection (d) of this Section on the basis
8 of that use as long as the student's coach has provided the
9 student with a copy of the association's most current banned
10 drug classes list, the student has consulted with his or her
11 medical practitioner to confirm the valid use of the substance,
12 and the student has notified his or her coach or a school
13 administrator of a prescription for the use of the substance
14 for valid medical purposes. Students that are prescribed such a
15 substance, after receiving a copy of the association's most
16 current banned drug classes list, are required to provide
17 notice of that prescription at the time the prescription is
18 issued. Any information concerning a student's use of a
19 performance-enhancing substance obtained by a coach or school
20 administrator under this subsection (g) is confidential and may
21 be disclosed only to those persons necessary to the
22 determination of eligibility under this subsection (g).

23 (h) Neither the association nor any of its directors or
24 employees shall be liable and no cause of action may be brought
25 against the association or any of its directors or employees
26 for damages in connection with the performance of the

1 association's responsibilities under this Section, unless an
2 act or omission involved willful or wanton conduct.

3 (i) This Section is repealed on July 1, 2011.

4 Section 10. The Unified Code of Corrections is amended by
5 changing Section 5-9-1.1 as follows:

6 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

7 (Text of Section from P.A. 94-550)

8 Sec. 5-9-1.1. Drug related offenses.

9 (a) When a person has been adjudged guilty of a drug
10 related offense involving possession or delivery of cannabis or
11 possession or delivery of a controlled substance, other than
12 methamphetamine, as defined in the Cannabis Control Act, as
13 amended, or the Illinois Controlled Substances Act, as amended,
14 in addition to any other penalty imposed, a fine shall be
15 levied by the court at not less than the full street value of
16 the cannabis or controlled substances seized.

17 "Street value" shall be determined by the court on the
18 basis of testimony of law enforcement personnel and the
19 defendant as to the amount seized and such testimony as may be
20 required by the court as to the current street value of the
21 cannabis or controlled substance seized.

22 (b) In addition to any penalty imposed under subsection (a)
23 of this Section, a fine of \$100 shall be levied by the court,
24 the proceeds of which shall be collected by the Circuit Clerk

1 and remitted to the State Treasurer under Section 27.6 of the
2 Clerks of Courts Act for deposit into the Trauma Center Fund
3 for distribution as provided under Section 3.225 of the
4 Emergency Medical Services (EMS) Systems Act.

5 (c) In addition to any penalty imposed under subsection (a)
6 of this Section, a fee of \$5 shall be assessed by the court,
7 the proceeds of which shall be collected by the Circuit Clerk
8 and remitted to the State Treasurer under Section 27.6 of the
9 Clerks of Courts Act for deposit into the Spinal Cord Injury
10 Paralysis Cure Research Trust Fund. This additional fee of \$5
11 shall not be considered a part of the fine for purposes of any
12 reduction in the fine for time served either before or after
13 sentencing.

14 (d) In addition to any penalty imposed under subsection (a)
15 of this Section for a drug related offense involving possession
16 or delivery of cannabis or possession or delivery of a
17 controlled substance as defined in the Cannabis Control Act,
18 the Illinois Controlled Substances Act, or the Methamphetamine
19 Control and Community Protection Act, a fee of \$50 shall be
20 assessed by the court, the proceeds of which shall be collected
21 by the Circuit Clerk and remitted to the State Treasurer under
22 Section 27.6 of the Clerks of Courts Act for deposit into the
23 Performance-enhancing Substance Testing Fund. This additional
24 fee of \$50 shall not be considered a part of the fine for
25 purposes of any reduction in the fine for time served either
26 before or after sentencing. The provisions of this subsection

1 (d), other than this sentence, are inoperative after June 30,
2 2011.

3 (Source: P.A. 94-550, eff. 1-1-06.)

4 (Text of Section from P.A. 94-556)

5 Sec. 5-9-1.1. Drug related offenses.

6 (a) When a person has been adjudged guilty of a drug
7 related offense involving possession or delivery of cannabis or
8 possession or delivery of a controlled substance as defined in
9 the Cannabis Control Act, the Illinois Controlled Substances
10 Act, or the Methamphetamine Control and Community Protection
11 Act, in addition to any other penalty imposed, a fine shall be
12 levied by the court at not less than the full street value of
13 the cannabis or controlled substances seized.

14 "Street value" shall be determined by the court on the
15 basis of testimony of law enforcement personnel and the
16 defendant as to the amount seized and such testimony as may be
17 required by the court as to the current street value of the
18 cannabis or controlled substance seized.

19 (b) In addition to any penalty imposed under subsection (a)
20 of this Section, a fine of \$100 shall be levied by the court,
21 the proceeds of which shall be collected by the Circuit Clerk
22 and remitted to the State Treasurer under Section 27.6 of the
23 Clerks of Courts Act for deposit into the Trauma Center Fund
24 for distribution as provided under Section 3.225 of the
25 Emergency Medical Services (EMS) Systems Act.

1 (c) In addition to any penalty imposed under subsection (a)
2 of this Section, a fee of \$5 shall be assessed by the court,
3 the proceeds of which shall be collected by the Circuit Clerk
4 and remitted to the State Treasurer under Section 27.6 of the
5 Clerks of Courts Act for deposit into the Spinal Cord Injury
6 Paralysis Cure Research Trust Fund. This additional fee of \$5
7 shall not be considered a part of the fine for purposes of any
8 reduction in the fine for time served either before or after
9 sentencing.

10 (d) In addition to any penalty imposed under subsection (a)
11 of this Section for a drug related offense involving possession
12 or delivery of cannabis or possession or delivery of a
13 controlled substance as defined in the Cannabis Control Act,
14 the Illinois Controlled Substances Act, or the Methamphetamine
15 Control and Community Protection Act, a fee of \$50 shall be
16 assessed by the court, the proceeds of which shall be collected
17 by the Circuit Clerk and remitted to the State Treasurer under
18 Section 27.6 of the Clerks of Courts Act for deposit into the
19 Performance-enhancing Substance Testing Fund. This additional
20 fee of \$50 shall not be considered a part of the fine for
21 purposes of any reduction in the fine for time served either
22 before or after sentencing. The provisions of this subsection
23 (d), other than this sentence, are inoperative after June 30,
24 2011.

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

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