

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 Unified Code of Corrections is amended by  
5 changing Section 3-7-2.5 as follows:

6 (730 ILCS 5/3-7-2.5)

7 Sec. 3-7-2.5. Zero tolerance drug policy.

8 (a) Any person employed by the Department of Corrections  
9 who tests positive in accordance with established Departmental  
10 drug testing procedures for any substance prohibited by the  
11 Cannabis Control Act, the Illinois Controlled Substances Act,  
12 or the Methamphetamine Control and Community Protection Act  
13 shall be discharged from employment. Refusal to submit to a  
14 drug test, ordered in accordance with Departmental procedures,  
15 by any person employed by the Department shall be construed as  
16 a positive test, and the person shall be discharged from  
17 employment.

18 Testing of employees shall be conducted in accordance with  
19 established Departmental drug testing procedures. Changes to  
20 established drug testing procedures that are inconsistent with  
21 the federal guidelines specified in the Mandatory Guidelines  
22 for Federal Workplace Drug Testing Program, 59 FR 29908, or  
23 that affect terms and conditions of employment, shall be

1 negotiated with an exclusive bargaining representative in  
2 accordance with the Illinois Public Labor Relations Act.

3 (1) All samples used for the purpose of drug testing  
4 shall be collected by persons who have at least 15 ~~40~~ hours  
5 of initial training in the proper collection procedures and  
6 at least 8 hours of annual follow-up training. Proof of  
7 this training shall be available upon request. In order to  
8 ensure that these persons possess the necessary knowledge,  
9 skills, and experience to carry out their duties, their  
10 training must include guidelines and procedures on  
11 maintaining the integrity of the collection process,  
12 ensuring the privacy of employees being tested, ensuring  
13 the security of the specimen, and avoiding conduct or  
14 statements that could be viewed as offensive or  
15 inappropriate. Proficiency in the proper collection  
16 process must be demonstrated prior to certification ~~used~~  
17 ~~for the collection process and must also incorporate~~  
18 ~~training on the appropriate interpersonal skills required~~  
19 ~~during the collection process.~~

20 (2) With respect to any bargaining unit employee, the  
21 Department shall not initiate discipline of any employee  
22 who authorizes the testing of a split urine sample in  
23 accordance with established Departmental drug testing  
24 procedures until receipt by the Department of the test  
25 results from the split urine sample evidencing a positive  
26 test for any substance prohibited by the Cannabis Control

1 Act, the Illinois Controlled Substances Act, or the  
2 Methamphetamine Control and Community Protection Act.

3 (b) Any employee discharged in accordance with the  
4 provisions of subsection (a) shall not be eligible for rehire  
5 by the Department.

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

7 Section 99. Effective date. This Act takes effect July 1,  
8 2014.