



CLIENT ADVISORY

Addiction and DUI Adopted Legislation *September 2007*

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Alcopop Advertising

The Liquor Control Act has been amended to regulate advertising of “alcopops”, which are flavored alcoholic beverages or flavored malt beverages. Advertisement of alcopops may not be geared towards children, whether through cartoons or youth-oriented photos, sponsorship of athletic events geared towards children, billboards placed within 500 feet of schools, parks and places of worship, or the display of alcopops in video games, theater productions or other live performances where the intended audience is primarily children. The fine for a first offense is \$500, and \$1000 for a second or subsequent offense.

Effective June 1, 2008. *See Public Act 95-0618.*

Exclusion of Coverage Prohibition

The Illinois Insurance Code has been amended to prohibit the exclusion of coverage for any emergency or other medical, hospital or surgical expense solely on the basis that the insured was intoxicated or under the influence of any narcotic at the time of the injury, regardless of whether the intoxicant or narcotic is administered on the advice of a health care practitioner. Deductibles, co-payments, coinsurance, or annual or maximum payment limits still apply.

Effective January 1, 2008. *See Public Act 95-0230.*

Drug Court Grant Program

This Public Act creates the Drug Court Grant Program within the Alcoholism and Other Drug Abuse and Dependency Act. Through this Program, DASA will

administer grants to local drug courts for a variety of purposes, including treatment and intervention, monitoring and supervision, transportation, and training.

Effective January 1, 2008. *See Public Act 95-0204.*

Unauthorized Possession of Prescription Forms

This Public Act amends the Illinois Controlled Substance Act to add the offense of possessing an unauthorized prescription form. A person commits the offense when they knowingly possess an altered prescription form; a blank prescription form or counterfeit prescription form; or a prescription form not issued by a licensed prescriber. Any person who violates this statute is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense.

Effective January 1, 2008. *See Public Act 95-0487.*

Schedule II Prescription Database

The Illinois Controlled Substances Act has been expanded to provide that information concerning Schedule II controlled substances may be released to the office of any county sheriff or State’s Attorney or a municipal police department, as well as prescription monitoring entities in other states. Also, a prescriber and dispenser inquiry system will be developed which will allow (but not require) prescribers and inquirers to search a database of patients and customers who have received Schedule II prescriptions. The prescriber or inquirer shall be held harmless from any good faith inquiries.

Depending on sufficient funding, a similar database will also be created for Schedule III, IV and V prescriptions.

Effective January 1, 2008. *See Public Act 95-0442.*

Drug School Act

This Public Act creates the Drug School Act. The Act will establish (subject to appropriation) a drug school program for nonviolent drug offenders statewide, modeled after the Cook County State's Attorney's drug school program. Only the State's Attorney for each county in Illinois may apply to DASA for funding to establish a school. Furthermore, only the State's Attorney may decide who is eligible to be diverted to the school in lieu of incarceration. The school must provide at least 10, but no more than 20, hours of drug education delivered by a DASA licensed organization. Additionally, the school must provide education on the harmful effects of drug use and the consequences of conviction and incarceration.

Effective January 1, 2008. *See Public Act 95-0160.*

DUI Memorials

A new law entitled The Roadside Memorial Act (also known as Tina's Law) was recently passed. The Act permits relatives of victims killed in drunk driving accidents to request the installation of a memorial marker at the scene of the accident. The appearance of the physical markers must comply with the statute and shall be maintained for at least 2 years following the date of the marker's placement.

Effective January 1, 2008. *See Public Act 095-0398.*

Ignition Interlock Devices

This Act amends the Illinois Vehicle Code to prohibit individuals required to operate a vehicle equipped with an ignition interlock device from operating any other vehicle that is not equipped with the device. Violation of this provision is a Class A misdemeanor and will result in the loss of the offender's driver's license for one year from the date of conviction.

Effective January 1, 2008. *See Public Act 095-0027.*

DUI Penalties

This Act further amends the Vehicle Code to add new administrative penalties to the DUI penalty provisions. The Act states that individuals convicted of a DUI:

- Must undergo a professional evaluation to determine if an alcohol or drug abuse problem exists and undergo treatment as appropriate. (Programs conducting these evaluations must be licensed by the Department of Human Services);
- May be required to attend a victim impact panel, Mothers Against Drunk Driving program or similar program;
- Be required to pay the cost of emergency response services involved in the accident/arrest;
- Shall be subject to revocation of his/her driver's license by the Secretary of State; and
- For second and repeat offenders, shall have ignition interlock devices installed on all vehicles owned by the offender.

Effective Date January 1, 2009. *See Public Act 095-0578.*

Disabled Person

This Act amends the Probate Act of 1975 by defining “disabled person” to include a person diagnosed with fetal alcohol syndrome or fetal alcohol effects.

Effective January 1, 2008. *See Public Act 095-0561.*