States Let Unused Drugs Help Other Patients

If a patient taking expensive medications died or changed to a different prescription, there formerly was no legal and practical way for the unused drugs to be transferred to another patient. But at least 23 states now allow such leftover drugs to be donated for use by others—typically those with low incomes.

These “drug repository” programs (as they are often called) may apply either to most prescription drugs, or only to cancer drugs and other costly medications. Donation of opiates and other narcotic drugs is almost always barred—presumably due to concern about diversion into illegal channels. Kinds of drugs that may be donated are:

**Prescription drugs (usually excluding narcotics):**
- Arizona
- Arkansas
- California
- Iowa*
- Kentucky
- Louisiana
- Maryland*
- Missouri
- New Hampshire*
- North Dakota
- Oklahoma
- Rhode Island
- Tennessee
- Wisconsin*
- Wyoming

**Cancer drugs:**
- Colorado*
- Florida*
- Kansas
- Michigan*
- Nebraska
- Minnesota*

* Medical devices and/or supplies can also be donated.
† Wisconsin allows donation of drugs for cancer or chronic diseases.

Several other states have bills proposing such programs. (One is Illinois H.B. 813 (May-Harris-Osterman-Bellock et al.—J.Collins-Dillard), which passed the House in late March.) These laws and bills are described below.

State Laws on Anger Management for Students

The April 16 shootings at Virginia Tech raised again the question whether such tragedies might be prevented by psychological intervention if a student shows signs of emotional turmoil. A search of state laws found none requiring public schools (K-12) to offer courses in anger management. But in at least seven states (California, Colorado, Louisiana, Michigan, New York, Virginia, and West Virginia), schools must offer or require anger management courses in some kinds of situations.

**California**
The Superintendent of Public Instruction makes grants to schools under the School Safety and Violence Prevention Strategy Program. Grants may be awarded to schools that show a need for courses in anger management and conflict resolution.

**Colorado**
School programs serving as transitional stages between in-school or in-home suspension and regular school (continued on p. 2)
States Let Unused Drugs Help Other Patients  (continued from p. 1)

must show no sign of tampering, adulteration, and/or misbranding. They may not be donated less than a few months before their expiration dates, and no controlled substances (such as narcotics) may be donated.

Donations typically may be made at participating doctors’ offices, clinics, hospitals, and pharmacies. Donated drugs may not be resold. They may be dispensed only by prescription from a licensed prescriber. Dispensers may charge recipients a handling fee, which typically is set or limited by state law (often as a multiple of the Medicaid dispensing fee for that drug).

Notable features in some states’ laws California allows any county to establish a program to distribute surplus prescription medications to persons in need. Such counties are to make rules for packaging, transporting, storing, and dispensing drugs that need refrigeration.

Florida allows cancer drugs and supplies that have been kept in “closed drug delivery systems” (in which an institution, not a patient, controls them), or otherwise held by a medical institution or physician, to be donated to large hospitals’ pharmacies.

In Louisiana, if the “charitable pharmacy” nearest the donor declines to accept an offered drug donation, the donor can give it to the state’s prison system. Missouri law says that any donated drugs not used or accepted by a Missouri pharmacy, hospital, or clinic may be distributed to out-of-state charitable repositories.

Current Bills

At least nine states (including Illinois) have current bills on this subject. Bills in six states (Illinois, Massachusetts, Nevada, Pennsylvania, South Carolina, and Texas) would apply to cancer medications only. Bills in the other three states (New Mexico, New York, and West Virginia) would apply to a broader class of prescription drugs. The Nevada bill would allow a drug to be donated until 30 days before its expiration date. The West Virginia bill would allow unexpired non-narcotic drugs previously owned by a deceased nursing home resident to be donated to free medical clinics.

Robert L. Bayless
Senior Staff Scientist

Thomas Bazan
Research Associate

Renee D. Theiss
Research Assistant

State Laws on Anger Management for Students (continued from p. 1)

activities may include behavioral modification or anger management in their curricula.

Louisiana
A school may establish youth development and assistance programs that offer violence prevention and intervention for primary school students. Such programs may include anger management services.

Michigan
A school board may require a suspended or expelled student to complete an anger management program or other appropriate counseling to be reinstated.

New York
A local school board may require a student who has been suspended to participate in anger management or dispute resolution classes before returning to school.

Virginia
Each public, or approved independent, school must adopt a comprehensive discipline plan. It must say how the school will provide information and training to students on conflict resolution, peer mediation, and anger management.

West Virginia
Each county school board may cooperate with private entities to provide middle-school educational programs. Such programs may focus on issues such as conflict resolution, anger control, and stress management.

Victoria Smith
Research Assistant
Al Riley (D-38th, Olympia Fields) was appointed to replace Representative Robin Kelly, who resigned to take a job as Chief of Staff for State Treasurer Alexi Giannoulis. He has a bachelor’s degree in economic geography and secondary education from Chicago State University, and a master’s in urban planning and policy analysis from the University of Illinois at Chicago. He served in the Army Reserve from 1972-78; has held various executive positions in public or private organizations; and has been an Olympia Fields trustee and Rich Township supervisor. He has been an adjunct professor of business and public administration at Governors State University for the last 10 years. He is a member of the House Appropriations—General Services and Appropriations—Human Services; Environmental Health; Human Services; Local Government; Mass Transit; and Smart Growth & Regional Planning Committees.

2006-2007 Legislative Staff Interns

Legislative Research Unit
Diana Barnard, Illinois State University
Didi I. Popova, Illinois Wesleyan University
Victoria C. Smith, Yale University
Renee D. Theiss, Olivet Nazarene University

House Republicans
Matthew Harbour, University of Illinois at Springfield
Mark A. Hill, Augustana College
Andrew Hollingshead, University of Illinois at Springfield
Benjamin T. Jackson, University of Illinois at Springfield
Jessica L. Singh, Western Illinois University

Senate Republicans
Sarah A. Cottingham, Millikin University
Ronald E. Deedrick, Eastern Illinois University
Kyle Donash, Eastern Illinois University
Steven D. McClure, Arizona State University

House Democrats
Anthony R. Bolton, Illinois State University
Tyler D. McHaley, University of Illinois at Urbana-Champaign
Kevin Morphew, University of Iowa
Li-Chung J. Wang, Northwestern University

Senate Democrats
Jasmine E. Guy, Spellman College; University of Illinois at Urbana-Champaign
Leanne K. Kuchar, DePaul University
Warren G. Morgan II, Butler University
Sarah E. Mysiewicz, Illinois Wesleyan University
Peter C. Rankin, Monmouth College

Abstracts of Reports Required to be Filed with General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

Arts Council
Annual report, FY 2005
Council’s FY 2005 activities included: funding of multiple university and college programs; local theaters and centers for the arts; as well as multi-cultural centers and schools—Ukrainian Institute of Modern Art, Suzuki-Orff School for Young Musicians, and Alyo Children’s Dance Theatre. Other grants were awarded to art programs—the Peoria Art Guild, Civic Ballet of Chicago, and Illinois Symphony Orchestra-Springfield. The council awarded $17.7 million in grants. Lists grants by House and Senate districts. (20 ILCS 3915/4; undated, rec’d Sept. 2006; 1 fold-out sheet)

Small Business Set-Aside Program, FY 2006
The total value of awards made in FY 2006 under the designation of Small Business Set-Aside purchases was $38.5 million, with $5.3 million of the awards made to businesses owned by minorities, women, and persons with disabilities. An additional 1,500 small Illinois companies were registered in the program from January 1, 2005 to June 30, 2006. There were 64 types of set-aside services identified and 36 agencies, boards, or commissions listed as set-aside purchasers. (30 ILCS 500/45-45(f); Nov. 2006, 4 pp.)

Central Management Services, Dept. of
Flex time annual report, 2006
The State Agency Child Care Services Act requires agencies to develop plans to reduce usage of day care through the use of flex time among eligible employees. Among 50,222 employees, 14,801 (29%) used flexible work hours. Nineteen agencies increased participation; 17 reported reduced usage; four reported no usage. Of the participants, 11,757 (79%) used flexible hours, 2,558 (17%) worked full time in a compressed work week, 476 (3%) worked part time, and 10 (0.07%) participated in job sharing. (20 ILCS 415/9(13); undated, rec’d Mar. 2007, 4 pp.)

Commerce and Economic Opportunity, Dept. of
Build Illinois Revenue Funds, FY 2006
Build Illinois Capital Revolving Loan Fund decreased from $11,060,082 to $8,667,071; it provided $1,885,200 in loans. Illinois Equity Fund decreased from $3,204,062 to $1,787,521; it provided $1,650,000 in disbursements. Build Illinois Large Business Attraction Fund decreased from $3,999,627 to $2,669,553; it provided $1,706,381 in disbursements. (30 ILCS 750/9-9 and 10-9; Dec. 2006, 4 pp.)

Enterprise zone annual report, FY 2006
DCEO has designated 95 enterprise zones throughout the state. In FY 2006, investments of $3.9 billion in these zones created 21,332 jobs and kept 29,085 jobs. From 2004 to 2005, population rose in 49 zones, and dropped in 45 zones; the Kewanee zone reported no change. Unemployment dropped in 4 zones and increased in 35; 17 zones had no change. From 2003 to 2004, income per capita rose an average of 2.66%. Describes incentives generally, lists investments and jobs by zone, and population and unemployment by county containing the zone. (20 ILCS 655/6; Oct. 2006, 11 pp.)

Report on opportunities for energy cost reductions, 2006
Report assesses the opportunities for energy cost reduction in government buildings based on the Energy

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Cost Reduction Act of 1991. Highlights three programs Department administers: Energy Performance Contracting Program (EPC) for designing, installing, and financing energy improvement projects; Commercial Energy Code Training & Education Program; and Regional Energy Program community grants for energy efficiency projects. Department recommends repealing or amending the Government Buildings Energy Cost Reduction Act of 1991 to transfer duties under the Act to the Department of Central Management Services. (20 ILCS 3953/20(g); Sept. 2006; 5 pp.)

Compensation Review Board Report, 2006
Board recommended (1) salary increases for state officials equal to cost-of-living-adjustments (COLAs) for fiscal years 2003, 2004, and 2005 that were not awarded; (2) salary increases for state’s attorneys equal to fiscal year 2003 COLAs that were not awarded; and (3) setting salaries of Associate Judges to 95% of Circuit Judges’ salaries. The Board Chairman’s letter suggests amending the Compensation Review Act to move filing of biennial reports from election years to odd-numbered years. (25 ILCS 120/4; March 2006, 21 pp.)

Corrections, Dept. of
Quarterly report to the legislature, October 1, 2006
There were 45,661 inmates in all adult facilities on August 31, 2006. This was 956 under the 46,617 projected for August 2006. The total population in adult transition centers was 1,306, 26 over the total capacity of 1,280. There were 11,227 inmates participating in educational and vocational programs. The ratio of security staff to inmates is 0.185. A majority of inmates, 66%, are double-celled with approximately 37 square feet of actual living area per inmate. (730 ILCS 5/3-5-3.1, Oct. 2006, 16 pp.)

Disability Services Advisory Committee
Status report, 2006
Governor Blagojevich formed the committee in 2004 to develop and implement a plan to ensure Illinois’ compliance with the Americans with Disabilities Act and the Olmstead decision. The Committee has 10 focus areas for FY 2007: (1) develop a cross-disability management information system; (2) make state-level policy, funding, and service development decisions timely instead of reactive; (3) develop plans by category with adequate funding; (4) develop plans that support housing choices; (5) develop plans that provide choice of provider; (6) provide equitable access to services (7) develop a cross-disability quality management plan; (8) develop workforce development and stabilization plans; (9) identify funding sources; and (10) provide training and improved support for navigating the disability system. (20 ILCS 2407/20 (d); July 2006, 27 pp. + 4 appendices)

Education, State Board of
Preschool for All Funding report, FY 2007
Preschool for All is an effort to offer preschool to all three- and four-year-olds whose parents want them to participate. In August 2006, $45 million was awarded to 103 preschool and 15 at-risk infant-toddler programs. All Preschool for All programs will be funded on a 180-day school year calendar to provide a 2.5-hour, 5-day-a-week program. (105 ILCS 5/2-3.71(a)(4.5); Nov. 2006, 8 pp.)

Waivers of School code mandates, Fall 2006
Summary chart classifies 212 requests for waivers into 8 categories and lists their status: Content of Evaluation Plans (1 transmitted to GA); Driver Education (8 transmitted to GA, 1 withdrawn or returned); Legal School Holidays (154 approved, 15 withdrawn or returned); Limitation of Administrative Costs (5 transmitted to GA); Parent-Teacher Conferences (6 transmitted to GA, 1 withdrawn or returned); Physical Education (10 transmitted to GA, 1 withdrawn or returned); School Improvement/Inservice Training (5 transmitted to GA, 1 withdrawn or returned); Substitute teachers (2 approved, 1 transmitted to GA, 1 withdrawn or returned). Section I describes the 36 requests transmitted to the General Assembly. Section II describes the 156 requests approved by ISBE. Section III describes the 20 requests withdrawn or returned. (105 ILCS 5/2-3.25g; Sept. 2006, 61 pp. + Executive Summary)

Environmental Protection Agency
Nonhazardous solid waste management and landfill capacity annual report, 2005
Illinois’ 51 landfills received 52.3 million gate cubic yards (15.8 million gate tons) of waste, 2.7% less than 2004. Total landfill capacity was reduced by 0.6% to 980.4 million gate cubic yards, good for 19 years at 2005 disposal rates. Waste was disposed of as follows: 61.3% was landfilled, 37.1% recycled, and 1.5% composted. (415 ILCS 20/4; Oct. 2006, 21 pp. + appendices, maps, and tables)

Government Forecasting & Accountability Commission
Legislative capital plan analysis, FY 2007
Governor’s capital budget proposal (continued on p.6)
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for fiscal 2007 included $3.7 billion in new appropriations and $7.8 billion in reappropriations. Proposed new appropriations were from bond funds ($1.2 billion), various revenue funds ($2.2 billion), and federal or trust funds ($160.4 million). New appropriations were proposed for school construction, $351 million, and capital development, $0.3 million. Requests for the School Construction Program, and Transportation A and B Programs would require increased general obligation bond debt authorization. Total debt service for all bonds, including pension obligation bonds, is expected to cost $1.9 billion. Appendices list capital projects of agencies. (25 ILCS 155/3(8), Apr. 2006, 26 pp. + appendices)

Wagering in Illinois, 2006
Examines the impacts of state lottery, horse racing, and riverboat gambling on Illinois’ economy. State lottery transferred $670.5 million into the Common School Fund, a 9.2% increase from FY 2005; riverboat gambling transferred to the Education Assistance Fund and deposited into the Common School Fund a total of $689 million, a 1.4% decrease from FY 2005; and horse racing collected an estimated $11 million in state revenue, 8.3% less than calendar year 2005. Two new laws passed in 2006 attempted to boost horse racing revenues; P.A. 94-805 lowered the pari-mutuel tax from 1.5% to 0.25% for Fairmount Park; and P.A. 94-806 obligates four Illinois riverboats to deposit 3% of gross earnings to the Horse Racing Equity Trust Fund, but is being challenged in court as unconstitutional. (S. Res. 875 (1991); September 2006, 42 pp. + tables and charts)

Higher Education, State Board of
Annual report on public university revenues and expenditures, FY 2006
Illinois public universities (Chicago State, Eastern, Governors State, Illinois State, Northeastern, Southern, University of Illinois, and Western) reported approximately $5.2 billion in revenues and $5.1 billion in expenditures for fiscal year 2006. State appropriated funds were the largest source of revenue at 25.4%. From FY 2005 to FY 2006, expenditures from all fund sources grew 4.6% from approximately $4.9 billion to $5.2 billion. The largest overall expenditure by object was for personal services, 54.4% of total funds in FY 2006. The largest overall expenditure by function was for instructional programs, 26.9% of total funds in both FY 2005 and FY 2006. (30 ILCS 105/13.5; Oct. 2006, 133 pp., 4 tables, 5 figures, 5 appendices)

Budget recommendations, FY 2008
Total general fund recommendation for operations and grants is $2.5 billion. Major recommendations for institutions: U of I, $718.8 million; community colleges, $309.6 million; SIU, $224.9 million; NIU, $105.4 million; ISU, $82.6 million; WIU, $58.0 million; EIU, $49.0 million; Northeastern Illinois, $40.2 million; Chicago State, $39.3 million; Governors State, $26.2 million; Illinois Math and Science Academy, $17.9 million. Other major recommendations: Illinois Student Assistance Commission, $411.6 million; State Universities Retirement Systems, $345.0 million; adult education programs, $48.8 million; IBHE Institutional Grants, 39.8 million. Total recommended for capital improvements was $607.7 million. (110 ILCS 205/8; Feb. 2007, 144 pp. + tables)

Human Services, Dept. of
Autism Program report, January 2006
Discusses implementing a service system for persons affected by Autism Spectrum Disorder (ASD). Guidelines include providing responsive and consumer-driven administrative policies; accessing all available funding sources to finance services for persons with ASD; and disseminating information about ASD to the public. State Fiscal Year 2005 showed an increase in state funding, quality programs and service providers, and accessible resources. Future plans include establishing new outreach centers; creating certification programs for new and existing providers; increasing access to autism resources statewide; and collaborating with state universities for funding and other various resources. (20 ILCS 1705/57.5; Jan. 2005, 36 pp.)

Emergency Food and Shelter Program and Supportive Housing Program annual report, FY 2006
Using public and private shelters, the program provided 2.07 million nights of shelter, 3.32 million meals, and 2.05 million units of supportive services to 49,150 homeless persons in FY 2006. Program received $8.9 million from the general revenue fund in FY 2006. Supportive Housing Program provided supportive services to 6,490 persons in 4,470 households with providers receiving $5.3 million. Causes of homelessness include loss of income, eviction, family/neighborhood problems, release from prison or mental institution, substance abuse, and relocation. (305 ILCS 5/12-4.5; Feb. 2007, 68 pp.)
**Inspector General’s combined reports on abuse and neglect in long-term facilities and domestic abuse of adults with disabilities, FY 2006**

The Inspector General received 2,339 allegations of abuse and neglect at facilities (921), agencies (893), and in domestic settings (525), including exploitation. Of these, 1,215 were physical, 584 neglect, 372 mental, 122 sexual, and 46 exploitation. Facilities and agencies filed 259 (17%) self-reports late in FY 2006; 208 (80%) of these were from agencies. Eighty-three employees were reported to the Nurse Aide Registry; this totaled 85 referrals as one employee was reported on three separate substantiations. Of these 85 referrals, 73 were for physical abuse, 11 for sexual abuse, and one for egregious neglect. Average time to complete an investigation was 53 days per case, slightly up from 48 in FY 2005. Inspector General closed 2,353 cases of which 2,031 were not substantiated. There were 322 substantiated cases: 228 abuse, 91 neglect, and 3 exploitation. Lists entities receiving allegations, and includes case disposition and staffing levels by facility. (20 ILCS 2435/60 and 210 ILCS 0/6.7; Sept. 2006, 43 pp.)


Work Group recommends: (1) increasing base nursing hours provided to least medically complex participants to 19.5 hours per year: 18 LPN hours, and 1.5 RN hours; (2) establishing graduated levels of base nursing that correspond to individuals’ range of Health Care Levels reflected in the Health Risk Screening Tool; (3) increasing staffing ratios of RNs and LPNs by Health Care Level; and (4) increasing CILA wage rates to the 2005 Bureau of Labor Statistics Illinois state average rates of $17.05 per hour for LPNs and $25.71 per hour for RNs without fringe benefits, or $20.46 for LPNs and $30.85 for RNs, inclusive of 20% fringe. Group estimates that implementing all recommendations would cost $4.6 million per year. (S.Res. 514 (2006); Oct. 2006, 26 pp. + 6 appendices)

**Investment, State Board of Report on emerging money managers, FY 2006**

ISBI allocated $230 million to one minority manager. Two new emerging money managers received a total of $105 million. Four existing money managers received an increase of $72.5 million. The percentage of ISBI portfolio assets managed by female and/or minority owned firms totaled $2.4 billion, or 21.6% of its total assets. ISBI used its first emerging female-owned transition management firm in FY 2006. Minority broker/dealer commissions totaled 41% of all domestic equity commissions, up from 36% in FY 2005. (40 ILCS 5/1-109.1 (4); Aug. 2006, 3 pp.)

**Juvenile Justice, Dept. of Quarterly report to the legislature, October 1, 2006**

Public Act 94-696 created the Department of Juvenile Justice from the Juvenile Division of the Department of Corrections. There were 1,468 youth in all juvenile institutions, which is below the rated capacity of 1,754. There were 1,362 juveniles in educational and vocational programs. Juveniles in single cells are 44% of the population; double cells, 49%; and multi-cells, 7%. (730 ILCS 5/3-5-3.1, Oct. 2006, 11 pp.)

**Legislative Reference Bureau Review of cases through 2006**

Major Illinois Supreme Court holdings:

(1) “Blanket” commutation of all death sentences is a partial pardon and survives reversal of conviction for inadequate trial counsel, and

(2) Annexation agreement between municipality and landowner trumps Counties Code and vests building code jurisdiction in the municipality.

Major Illinois Appellate Court holdings:

(1) Imposition of a fee for spinal cord injury research upon conviction of unlawful possession of a controlled substance violates defendant’s due process rights; (2) Mandatory irrebuttable presumption of parental unfitness due to physical abuse of child is unconstitutional denial of equal protection of the laws; (3) Including aggravated kidnapping among sex crimes that trigger sex offender registration is unconstitutional as applied to a defendant without a history of sex offenses and whose crime was without sexual motive; and (4) Certain communications between a judge and law clerk with regard to pending cases are privileged.

Federal District Court holding:

The Violent Video Games Law and the Sexually Explicit Video Games Law violate First Amendment right of freedom of speech. *Note: The U.S. Court of Appeals in Chicago affirmed. (25 ILCS 135/5.05; Nov. 2006, 118 pp.)

(continued on p.8)
Lottery
*Annual report, FY 2005*
Sales were $1.84 billion; transfers to the Common School Fund were $614 million. Lottery operating expenses were 3.3% of sales. Prizes awarded were $1.04 billion. Overview games, special promotions, and lottery retailers. Includes financial statements. (20 ILCS 1605/7.8; undated, rec’d Dec. 2006, 16 pp.)

Sports Facilities Authority
*Annual report, 2006*
Authority completed construction of United Scout Lounge and interior renovation of Diamond Suites, corridors, and restrooms. Seat replacements are to be completed by Opening Day 2007. All projects are within budget and on schedule. Authority’s primary revenue source is hotel taxes. As of June 30, 2006, current assets totaled $99.5 million, current liabilities $21.9 million. Long-term assets totaled $247.8 million, long-term liabilities $507 million. (70 ILCS 3205/18; undated, rec’d. Mar. 2007, 20 pp.)

State Police
*Missing children report, FY 2006*
Illinois had 7,918 persons under age 18 years reported missing in FY 2006 (up 0.5% from FY 2005). Of those, 36,177 (95%) were found; 2,194 children are still missing, including 453 from previous years. Female children were reported missing in greater numbers than male children by a ratio of 14 to 11. Highest frequency of missing children were aged 15-17; second highest were 12-14. Illinois’ AMBER Alert was activated 14 times with 12 broadcasts (16 children involved); two children were found before the broadcast; 13 found through traditional law enforcement practices; and three found as a direct result of the alert. (325 ILCS 40/8; Dec. 2006, 15 pp.)