

AN ACT concerning regulation.

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

Section 5. The Safe Pharmaceutical Disposal Act is amended by changing Sections 5 and 18 as follows:

(210 ILCS 150/5)

Sec. 5. Definitions. In this Act:

"Health care institution" means any public or private institution or agency licensed or certified by State law to provide health care. The term includes hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs operating in this State, institutions, facilities, or agencies that provide services to persons with mental health illnesses, and institutions, facilities, or agencies that provide services for persons with developmental disabilities.

"Law enforcement agency" means any federal, State, or local law enforcement agency, including a State's Attorney and the Attorney General.

"Nurse" means an advanced practice nurse, registered nurse, or licensed practical nurse licensed under the Nurse Practice Act.

"Public wastewater collection system" means any wastewater

collection system regulated by the Environmental Protection Agency.

"Unused medication" means any unopened, expired, or excess (including medication unused as a result of the death of the patient) medication that has been dispensed for patient or resident care and that is in a solid form. The term includes pills, tablets, capsules, and caplets. For long-term care facilities licensed under the Nursing Home Care Act, "unused medication" does not include any Schedule II controlled substance under federal law in any form, until such time as the federal Drug Enforcement Administration adopts regulations that permit these facilities to dispose of controlled substances in a manner consistent with this Act.

(Source: P.A. 99-648, eff. 1-1-17.)

(210 ILCS 150/18)

Sec. 18. Unused medications at the scene of a death.

(a) Notwithstanding any provision of law to the contrary, the Department of State Police may by rule authorize State Police officers to dispose of any unused medications found at the scene of a death the State Police officer is investigating. A State Police officer may only dispose of any unused medications under this subsection after consulting with any other investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation. This Section shall not apply to any unused

medications a State Police officer takes into custody as part of any investigation into a crime.

(b) Notwithstanding any provision of law to the contrary, a local governmental agency may authorize police officers to dispose of any unused medications found at the scene of a death a police officer is investigating. A police officer may only dispose of any unused medications under this subsection after consulting with any other investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation. This Section shall not apply to any unused medications a police officer takes into custody as part of any investigation into a crime.

(c) Notwithstanding any provision of law to the contrary, a coroner or medical examiner may dispose of any unused medications found at the scene of a death the coroner or medical examiner is investigating. A coroner or medical examiner may only dispose of any unused medications under this subsection after consulting with any investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in any investigation.

(d) Any disposal under this Section shall be in accordance with Section 17 of this Act or another State or federally approved medication take-back program or location.

(e) This Section shall not apply to prescription drugs for which the United States Food and Drug Administration created a Risk Evaluation and Mitigation Strategy for under the Food and

Drug Administration Amendments Act of 2007.

(f) Nothing in this Section shall be construed to require a search of the scene for unused medications.

(g) Prior to disposal of any medication collected as evidence in a criminal investigation under this Section, a State Police officer, police officer, coroner, or medical examiner shall photograph the unused medication and its container or packaging, if available; document the number or amount of medication to be disposed; and include the photographs and documentation in the police report, coroner report, or medical examiner report.

(h) If an autopsy is performed as part of a death investigation, no medication seized under this Section shall be disposed of until after a toxicology report is received by the entity requesting the report.

(i) If a police officer, State Police officer, coroner, or medical examiner is not present at the scene of a death, a nurse may dispose of any unused medications found at the scene of a death the nurse is present at while engaging in the performance of his or her duties. A nurse may dispose of any unused medications under this subsection only after consulting with any investigating law enforcement agency to ensure that the unused medications will not be needed as evidence in an investigation.

(j) When an individual authorized to dispose of unused medication under this Section disposes of unused medication

under this Section in good faith, the individual, and his or her employer, employees, and agents, shall incur no criminal liability or professional discipline.

(Source: P.A. 99-648, eff. 1-1-17.)

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