

1 AN ACT concerning regulation.

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

4 Section 5. The Safe Pharmaceutical Disposal Act is amended
5 by changing Section 17 as follows:

6 (210 ILCS 150/17)

7 Sec. 17. Pharmaceutical or sharp disposal.

8 (a) In this Section, "sharp" means any used or unused
9 hypodermic, intravenous, or other medical needle or syringe
10 with an original common medical purpose.

11 (b) Notwithstanding any provision of law, any county shall
12 and any ~~or~~ municipality may authorize the use of its city hall,
13 police department, or any other facility under the county's or
14 municipality's control to display a container suitable for use
15 as a receptacle for used, expired, or unwanted pharmaceuticals
16 or sharps. These used, expired, or unwanted pharmaceuticals
17 may include unused medication and prescription drugs, as well
18 as controlled substances if collected in accordance with
19 federal law. This receptacle shall only permit the deposit of
20 items, and the contents shall be locked and secured. The
21 container shall be accessible to the public and shall have
22 posted clearly legible signage indicating that expired or
23 unwanted prescription drugs or sharps may be disposed of in

1 the receptacle. The county or municipality shall provide
2 continuous or regular notice to the public regarding the
3 availability of the receptacle. To the extent allowed under
4 federal law, pharmaceuticals collected under this Section may
5 be disposed of in a drug destruction device, as defined in
6 Section 22.58 of the Environmental Protection Act.

7 (Source: P.A. 99-480, eff. 9-9-15; 100-250, eff. 8-22-17.)

8 Section 10. The Environmental Protection Act is amended by
9 changing Section 22.55 as follows:

10 (415 ILCS 5/22.55)

11 Sec. 22.55. Household waste drop-off points.

12 (a) Findings; purpose and intent.

13 (1) The General Assembly finds that protection of
14 human health and the environment can be enhanced if
15 certain commonly generated household wastes are managed
16 separately from the general household waste stream.

17 (2) The purpose of this Section is to provide, to the
18 extent allowed under federal law, a method for managing
19 certain types of household waste separately from the
20 general household waste stream.

21 (b) Definitions. For the purposes of this Section:

22 "Compostable waste" means household waste that is
23 source-separated food scrap, household waste that is
24 source-separated landscape waste, or a mixture of both.

1 "Controlled substance" means a controlled substance as
2 defined in the Illinois Controlled Substances Act.

3 "Household waste" means waste generated from a single
4 residence or multiple residences.

5 "Household waste drop-off point" means the portion of
6 a site or facility used solely for the receipt and
7 temporary storage of household waste.

8 "One-day compostable waste collection event" means a
9 household waste drop-off point approved by a county or
10 municipality under subsection (d-5) of this Section.

11 "One-day household waste collection event" means a
12 household waste drop-off point approved by the Agency
13 under subsection (d) of this Section.

14 "Permanent compostable waste collection point" means a
15 household waste drop-off point approved by a county or
16 municipality under subsection (d-6) of this Section.

17 "Personal care product" means an item other than a
18 pharmaceutical product that is consumed or applied by an
19 individual for personal health, hygiene, or cosmetic
20 reasons. Personal care products include, but are not
21 limited to, items used in bathing, dressing, or grooming.

22 "Pharmaceutical product" means medicine or a product
23 containing medicine. A pharmaceutical product may be sold
24 by prescription or over the counter. "Pharmaceutical
25 product" does not include medicine that contains a
26 radioactive component or a product that contains a

1 radioactive component.

2 "Recycling coordinator" means the person designated by
3 each county waste management plan to administer the county
4 recycling program, as set forth in the Solid Waste
5 Management Act.

6 "Sharp" means any used or unused hypodermic,
7 intravenous, or other medical needle or syringe with an
8 original common medical purpose.

9 (c) Except as otherwise provided in Agency rules, the
10 following requirements apply to each household waste drop-off
11 point, other than a one-day household waste collection event,
12 one-day compostable waste collection event, or permanent
13 compostable waste collection point:

14 (1) A household waste drop-off point must not accept
15 waste other than the following types of household waste:
16 pharmaceutical products, sharps, personal care products,
17 batteries other than lead-acid batteries, paints,
18 automotive fluids, compact fluorescent lightbulbs, mercury
19 thermometers, and mercury thermostats. A household waste
20 drop-off point may accept controlled substances in
21 accordance with federal law.

22 (2) Except as provided in subdivision (c)(2) of this
23 Section, household waste drop-off points must be located
24 at a site or facility where the types of products accepted
25 at the household waste drop-off point are lawfully sold,
26 distributed, or dispensed. For example, household waste

1 drop-off points that accept prescription pharmaceutical
2 products must be located at a site or facility where
3 prescription pharmaceutical products are sold,
4 distributed, or dispensed.

5 (A) Subdivision (c)(2) of this Section does not
6 apply to household waste drop-off points operated by a
7 government or school entity, or by an association or
8 other organization of government or school entities.

9 (B) Household waste drop-off points that accept
10 mercury thermometers can be located at any site or
11 facility where non-mercury thermometers are sold,
12 distributed, or dispensed.

13 (C) Household waste drop-off points that accept
14 mercury thermostats can be located at any site or
15 facility where non-mercury thermostats are sold,
16 distributed, or dispensed.

17 (3) The location of acceptance for each type of waste
18 accepted at the household waste drop-off point must be
19 clearly identified. Locations where pharmaceutical
20 products are accepted must also include a copy of the sign
21 required under subsection (j) of this Section.

22 (4) Household waste must be accepted only from private
23 individuals. Waste must not be accepted from other
24 persons, including, but not limited to, owners and
25 operators of rented or leased residences where the
26 household waste was generated, commercial haulers, and

1 other commercial, industrial, agricultural, and government
2 operations or entities.

3 (5) If more than one type of household waste is
4 accepted, each type of household waste must be managed
5 separately prior to its packaging for off-site transfer.

6 (6) Household waste must not be stored for longer than
7 90 days after its receipt, except as otherwise approved by
8 the Agency in writing.

9 (7) Household waste must be managed in a manner that
10 protects against releases of the waste, prevents
11 nuisances, and otherwise protects human health and the
12 environment. Household waste must also be properly secured
13 to prevent unauthorized public access to the waste,
14 including, but not limited to, preventing access to the
15 waste during the non-business hours of the site or
16 facility on which the household waste drop-off point is
17 located. Containers in which pharmaceutical products are
18 collected must be clearly marked "No Controlled
19 Substances", unless the household waste drop-off point
20 accepts controlled substances in accordance with federal
21 law.

22 (8) Management of the household waste must be limited
23 to the following: (i) acceptance of the waste, (ii)
24 temporary storage of the waste prior to transfer, and
25 (iii) off-site transfer of the waste and packaging for
26 off-site transfer.

1 (9) Off-site transfer of the household waste must
2 comply with federal and State laws and regulations.

3 (d) One-day household waste collection events. To further
4 aid in the collection of certain household wastes, the Agency
5 may approve the operation of one-day household waste
6 collection events. The Agency shall not approve a one-day
7 household waste collection event at the same site or facility
8 for more than one day each calendar quarter. Requests for
9 approval must be submitted on forms prescribed by the Agency.
10 The Agency must issue its approval in writing, and it may
11 impose conditions as necessary to protect human health and the
12 environment and to otherwise accomplish the purposes of this
13 Act. One-day household waste collection events must be
14 operated in accordance with the Agency's approval, including
15 all conditions contained in the approval. The following
16 requirements apply to all one-day household waste collection
17 events, in addition to the conditions contained in the
18 Agency's approval:

19 (1) Waste accepted at the event must be limited to
20 household waste and must not include garbage, landscape
21 waste, or other waste excluded by the Agency in the
22 Agency's approval or any conditions contained in the
23 approval. A one-day household waste collection event may
24 accept controlled substances in accordance with federal
25 law.

26 (2) Household waste must be accepted only from private

1 individuals. Waste must not be accepted from other
2 persons, including, but not limited to, owners and
3 operators of rented or leased residences where the
4 household waste was generated, commercial haulers, and
5 other commercial, industrial, agricultural, and government
6 operations or entities.

7 (3) Household waste must be managed in a manner that
8 protects against releases of the waste, prevents
9 nuisances, and otherwise protects human health and the
10 environment. Household waste must also be properly secured
11 to prevent public access to the waste, including, but not
12 limited to, preventing access to the waste during the
13 event's non-business hours.

14 (4) Management of the household waste must be limited
15 to the following: (i) acceptance of the waste, (ii)
16 temporary storage of the waste before transfer, and (iii)
17 off-site transfer of the waste or packaging for off-site
18 transfer.

19 (5) Except as otherwise approved by the Agency, all
20 household waste received at the collection event must be
21 transferred off-site by the end of the day following the
22 collection event.

23 (6) The transfer and ultimate disposition of household
24 waste received at the collection event must comply with
25 the Agency's approval, including all conditions contained
26 in the approval.

1 (d-5) One-day compostable waste collection event. To
2 further aid in the collection and composting of compostable
3 waste, as defined in subsection (b), a municipality may
4 approve the operation of one-day compostable waste collection
5 events at any site or facility within its territorial
6 jurisdiction, and a county may approve the operation of
7 one-day compostable waste collection events at any site or
8 facility in any unincorporated area within its territorial
9 jurisdiction. The approval granted under this subsection (d-5)
10 must be in writing; must specify the date, location, and time
11 of the event; and must list the types of compostable waste that
12 will be collected at the event. If the one-day compostable
13 waste collection event is to be operated at a location within a
14 county with a population of more than 400,000 but less than
15 2,000,000 inhabitants, according to the 2010 decennial census,
16 then the operator of the event shall, at least 30 days before
17 the event, provide a copy of the approval to the recycling
18 coordinator designated by that county. The approval granted
19 under this subsection (d-5) may include conditions imposed by
20 the county or municipality as necessary to protect public
21 health and prevent odors, vectors, and other nuisances. A
22 one-day compostable waste collection event approved under this
23 subsection (d-5) must be operated in accordance with the
24 approval, including all conditions contained in the approval.
25 The following requirements shall apply to the one-day
26 compostable waste collection event, in addition to the

1 conditions contained in the approval:

2 (1) Waste accepted at the event must be limited to the
3 types of compostable waste authorized to be accepted under
4 the approval.

5 (2) Information promoting the event and signs at the
6 event must clearly indicate the types of compostable waste
7 approved for collection. To discourage the receipt of
8 other waste, information promoting the event and signs at
9 the event must also include:

10 (A) examples of compostable waste being collected;

11 and

12 (B) examples of waste that is not being collected.

13 (3) Compostable waste must be accepted only from
14 private individuals. It may not be accepted from other
15 persons, including, but not limited to, owners and
16 operators of rented or leased residences where it was
17 generated, commercial haulers, and other commercial,
18 industrial, agricultural, and government operations or
19 entities.

20 (4) Compostable waste must be managed in a manner that
21 protects against releases of the waste, prevents
22 nuisances, and otherwise protects human health and the
23 environment. Compostable waste must be properly secured to
24 prevent it from being accessed by the public at any time,
25 including, but not limited to, during the collection
26 event's non-operating hours. One-day compostable waste

1 collection events must be adequately supervised during
2 their operating hours.

3 (5) Compostable waste must be secured in non-porous,
4 rigid, leak-proof containers that:

5 (A) are covered, except when the compostable waste
6 is being added to or removed from the containers or it
7 is otherwise necessary to access the compostable
8 waste;

9 (B) prevent precipitation from draining through
10 the compostable waste;

11 (C) prevent dispersion of the compostable waste by
12 wind;

13 (D) contain spills or releases that could create
14 nuisances or otherwise harm human health or the
15 environment;

16 (E) limit access to the compostable waste by
17 vectors;

18 (F) control odors and other nuisances; and

19 (G) provide for storage, removal, and off-site
20 transfer of the compostable waste in a manner that
21 protects its ability to be composted.

22 (6) No more than a total of 40 cubic yards of
23 compostable waste shall be located at the collection site
24 at any one time.

25 (7) Management of the compostable waste must be
26 limited to the following: (A) acceptance, (B) temporary

1 storage before transfer, and (C) off-site transfer.

2 (8) All compostable waste received at the event must
3 be transferred off-site to a permitted compost facility by
4 no later than 48 hours after the event ends or by the end
5 of the first business day after the event ends, whichever
6 is sooner.

7 (9) If waste other than compostable waste is received
8 at the event, then that waste must be disposed of within 48
9 hours after the event ends or by the end of the first
10 business day after the event ends, whichever is sooner.

11 (d-6) Permanent compostable waste collection points. To
12 further aid in the collection and composting of compostable
13 waste, as defined in subsection (b), a municipality may
14 approve the operation of permanent compostable waste
15 collection points at any site or facility within its
16 territorial jurisdiction, and a county may approve the
17 operation of permanent compostable waste collection points at
18 any site or facility in any unincorporated area within its
19 territorial jurisdiction. The approval granted pursuant to
20 this subsection (d-6) must be in writing; must specify the
21 location, operating days, and operating hours of the
22 collection point; must list the types of compostable waste
23 that will be collected at the collection point; and must
24 specify a term of not more than 365 calendar days during which
25 the approval will be effective. In addition, if the permanent
26 compostable waste collection point is to be operated at a

1 location within a county with a population of more than
2 400,000 but less than 2,000,000 inhabitants, according to the
3 2010 federal decennial census, then the operator of the
4 collection point shall, at least 30 days before the collection
5 point begins operation, provide a copy of the approval to the
6 recycling coordinator designated by that county. The approval
7 may include conditions imposed by the county or municipality
8 as necessary to protect public health and prevent odors,
9 vectors, and other nuisances. A permanent compostable waste
10 collection point approved pursuant to this subsection (d-6)
11 must be operated in accordance with the approval, including
12 all conditions contained in the approval. The following
13 requirements apply to the permanent compostable waste
14 collection point, in addition to the conditions contained in
15 the approval:

16 (1) Waste accepted at the collection point must be
17 limited to the types of compostable waste authorized to be
18 accepted under the approval.

19 (2) Information promoting the collection point and
20 signs at the collection point must clearly indicate the
21 types of compostable waste approved for collection. To
22 discourage the receipt of other waste, information
23 promoting the collection point and signs at the collection
24 point must also include (A) examples of compostable waste
25 being collected and (B) examples of waste that is not
26 being collected.

1 (3) Compostable waste must be accepted only from
2 private individuals. It may not be accepted from other
3 persons, including, but not limited to, owners and
4 operators of rented or leased residences where it was
5 generated, commercial haulers, and other commercial,
6 industrial, agricultural, and government operations or
7 entities.

8 (4) Compostable waste must be managed in a manner that
9 protects against releases of the waste, prevents
10 nuisances, and otherwise protects human health and the
11 environment. Compostable waste must be properly secured to
12 prevent it from being accessed by the public at any time,
13 including, but not limited to, during the collection
14 point's non-operating hours. Permanent compostable waste
15 collection points must be adequately supervised during
16 their operating hours.

17 (5) Compostable waste must be secured in non-porous,
18 rigid, leak-proof containers that:

19 (A) are no larger than 10 cubic yards in size;

20 (B) are covered, except when the compostable waste
21 is being added to or removed from the container or it
22 is otherwise necessary to access the compostable
23 waste;

24 (C) prevent precipitation from draining through
25 the compostable waste;

26 (D) prevent dispersion of the compostable waste by

1 wind;

2 (E) contain spills or releases that could create
3 nuisances or otherwise harm human health or the
4 environment;

5 (F) limit access to the compostable waste by
6 vectors;

7 (G) control odors and other nuisances; and

8 (H) provide for storage, removal, and off-site
9 transfer of the compostable waste in a manner that
10 protects its ability to be composted.

11 (6) No more than a total of 10 cubic yards of
12 compostable waste shall be located at the permanent
13 compostable waste collection site at any one time.

14 (7) Management of the compostable waste must be
15 limited to the following: (A) acceptance, (B) temporary
16 storage before transfer, and (C) off-site transfer.

17 (8) All compostable waste received at the permanent
18 compostable waste collection point must be transferred
19 off-site to a permitted compost facility not less
20 frequently than once every 7 days.

21 (9) If a permanent compostable waste collection point
22 receives waste other than compostable waste, then that
23 waste must be disposed of not less frequently than once
24 every 7 days.

25 (e) The Agency may adopt rules governing the operation of
26 household waste drop-off points, other than one-day household

1 waste collection events, one-day compostable waste collection
2 events, and permanent compostable waste collection points.
3 Those rules must be designed to protect against releases of
4 waste to the environment, prevent nuisances, and otherwise
5 protect human health and the environment. As necessary to
6 address different circumstances, the regulations may contain
7 different requirements for different types of household waste
8 and different types of household waste drop-off points, and
9 the regulations may modify the requirements set forth in
10 subsection (c) of this Section. The regulations may include,
11 but are not limited to, the following: (i) identification of
12 additional types of household waste that can be collected at
13 household waste drop-off points, (ii) identification of the
14 different types of household wastes that can be received at
15 different household waste drop-off points, (iii) the maximum
16 amounts of each type of household waste that can be stored at
17 household waste drop-off points at any one time, and (iv) the
18 maximum time periods each type of household waste can be
19 stored at household waste drop-off points.

20 (f) Prohibitions.

21 (1) Except as authorized in a permit issued by the
22 Agency, no person shall cause or allow the operation of a
23 household waste drop-off point, other than a one-day
24 household waste collection event, one-day compostable
25 waste collection event, or permanent compostable waste
26 collection point, in violation of this Section or any

1 regulations adopted under this Section.

2 (2) No person shall cause or allow the operation of a
3 one-day household waste collection event in violation of
4 this Section or the Agency's approval issued under
5 subsection (d) of this Section, including all conditions
6 contained in the approval.

7 (3) No person shall cause or allow the operation of a
8 one-day compostable waste collection event in violation of
9 this Section or the approval issued for the one-day
10 compostable waste collection event under subsection (d-5)
11 of this Section, including all conditions contained in the
12 approval.

13 (4) No person shall cause or allow the operation of a
14 permanent compostable waste collection event in violation
15 of this Section or the approval issued for the permanent
16 compostable waste collection point under subsection (d-6)
17 of this Section, including all conditions contained in the
18 approval.

19 (g) Permit exemptions.

20 (1) No permit is required under subdivision (d)(1) of
21 Section 21 of this Act for the operation of a household
22 waste drop-off point, other than a one-day household waste
23 collection event, one-day compostable waste collection
24 event, or permanent compostable waste collection point, if
25 the household waste drop-off point is operated in
26 accordance with this Section and all regulations adopted

1 under this Section.

2 (2) No permit is required under subdivision (d)(1) of
3 Section 21 of this Act for the operation of a one-day
4 household waste collection event if the event is operated
5 in accordance with this Section and the Agency's approval
6 issued under subsection (d) of this Section, including all
7 conditions contained in the approval, or for the operation
8 of a household waste collection event by the Agency.

9 (3) No permit is required under paragraph (1) of
10 subsection (d) of Section 21 of this Act for the operation
11 of a one-day compostable waste collection event if the
12 compostable waste collection event is operated in
13 accordance with this Section and the approval issued for
14 the compostable waste collection point under subsection
15 (d-5) of this Section, including all conditions contained
16 in the approval.

17 (4) No permit is required under paragraph (1) of
18 subsection (d) of Section 21 of this Act for the operation
19 of a permanent compostable waste collection point if the
20 collection point is operated in accordance with this
21 Section and the approval issued for the compostable waste
22 collection event under subsection (d-6) of this Section,
23 including all conditions contained in the approval.

24 (h) This Section does not apply to the following:

25 (1) Persons accepting household waste that they are
26 authorized to accept under a permit issued by the Agency.

1 (2) Sites or facilities operated pursuant to an
2 intergovernmental agreement entered into with the Agency
3 under Section 22.16b(d) of this Act.

4 (i) The Agency, in consultation with the Department of
5 Public Health, must develop and implement a public information
6 program regarding household waste drop-off points that accept
7 pharmaceutical products, as well as mail-back programs
8 authorized under federal law.

9 (j) The Agency must develop a sign that provides
10 information on the proper disposal of unused pharmaceutical
11 products. The sign shall include information on approved
12 drop-off sites or list a website where updated information on
13 drop-off sites can be accessed. The sign shall also include
14 information on mail-back programs and self-disposal. The
15 Agency shall make a copy of the sign available for downloading
16 from its website. Every pharmacy shall display the sign in the
17 area where medications are dispensed and shall also display
18 any signs the Agency develops regarding local take-back
19 programs or household waste collection events. These signs
20 shall be no larger than 8.5 inches by 11 inches.

21 (k) If an entity chooses to participate as a household
22 waste drop-off point, then it must follow the provisions of
23 this Section and any rules the Agency may adopt governing
24 household waste drop-off points.

25 (l) The Agency shall establish, by rule, a statewide
26 medication take-back program by June 1, 2016 to ensure that

1 there are pharmaceutical product disposal options regularly
2 available for residents across the State. No private entity
3 may be compelled to serve as or fund a take-back location or
4 program. Medications collected and disposed of under the
5 program shall include controlled substances approved for
6 collection by federal law. All medications collected and
7 disposed of under the program must be managed in accordance
8 with all applicable federal and State laws and regulations.
9 The Agency shall issue a report to the General Assembly by June
10 1, 2019 detailing the amount of pharmaceutical products
11 annually collected under the program, as well as any
12 legislative recommendations.

13 (Source: P.A. 99-11, eff. 7-10-15; 99-480, eff. 9-9-15;
14 99-642, eff. 7-28-16.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2022.