



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5781

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

20 ILCS 2610/40 new
50 ILCS 705/10.19 new
55 ILCS 5/3-3045 new
210 ILCS 150/5
225 ILCS 60/50-41 new
225 ILCS 65/80 new

Amends the State Police Act, the Illinois Police Training Act, and the Counties Code. Provides that police officers, coroners, and medical examiners may dispose of unused medications found at the scene of a death after consulting with any law enforcement agency investigating the death. Provides the unused medications shall not be disposed into any public wastewater collection system. Limits liability for the disposal, or failure to dispose of, unused medications. Amends the Medical Practice Act of 1987 and the Nurse Practice Act making similar changes for physicians and nurses. Amends the Safe Pharmaceutical Disposal Act modifying a definition to clarify excess medication includes unused medication as the result of the death of a person.

LRB099 20496 AWJ 45019 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The State Police Act is amended by adding
5 Section 40 as follows:

6 (20 ILCS 2610/40 new)

7 Sec. 40. Disposal of medications.

8 (a) As used in this Section:

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

12 "Public wastewater collection system" means any wastewater
13 collection system regulated by the Environmental Protection
14 Agency.

15 "Unused medication" means medication that has been
16 purchased or dispensed for a deceased individual's care and
17 that is in a solid or liquid form. "Unused medication"
18 includes, but is not limited to, patches, pills, tablets,
19 capsules, and caplets.

20 (b) Notwithstanding any provision of law to the contrary,
21 the Department may by rule authorize State Police officers to
22 dispose of any unused medications found at the scene of a death
23 the State Police officer is investigating. The State Police

1 officer may dispose of the unused medications in any receptacle
2 for unused medications as described under Section 17 of the
3 Safe Pharmaceutical Disposal Act or another State or
4 federally-approved medicine take-back program or location. A
5 State Police officer may only dispose of any unused medications
6 under this subsection after consulting with any other
7 investigating law enforcement agency to ensure that the unused
8 medications will not be taken as evidence in any investigation.

9 (c) Except for medications contained in intravenous
10 fluids, syringes, or transdermal patches, a State Police
11 officer may not discharge, dispose of, flush, pour, or empty
12 any unused medication into a public wastewater collection
13 system or septic system.

14 (d) When a State Police officer in good faith disposes of,
15 or chooses not to dispose of, medicine under this Section in
16 good faith, the State Police officer, the Department, and its
17 employees and agents, shall incur no liability, except for
18 willful and wanton conduct, as a result of any injury arising
19 from the disposal or non-disposal of unused medications.

20 (e) This Section shall not apply to any unused medications
21 a State Police officer takes into custody as part of any
22 investigation into a crime.

23 Section 10. The Illinois Police Training Act is amended by
24 adding Section 10.19 as follows:

1 (50 ILCS 705/10.19 new)

2 Sec. 10.19. Disposal of medications.

3 (a) As used in this Section:

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

7 "Public wastewater collection system" means any wastewater
8 collection system regulated by the Environmental Protection
9 Agency.

10 "Unused medication" means medication that has been
11 purchased or dispensed for a deceased individual's care and
12 that is in a solid or liquid form. "Unused medication"
13 includes, but is not limited to, patches, pills, tablets,
14 capsules, and caplets.

15 (b) Notwithstanding any provision of law to the contrary, a
16 local governmental agency may authorize police officers to
17 dispose of any unused medications found at the scene of a death
18 a police officer is investigating. The police officer may
19 dispose of the unused medications in any receptacle for unused
20 medications as described under Section 17 of the Safe
21 Pharmaceutical Disposal Act or another State or
22 federally-approved medicine take-back program or location. A
23 police officer may only dispose of any unused medications under
24 this subsection after consulting with any other investigating
25 law enforcement agency to ensure that the unused medications
26 will not be taken as evidence in any investigation.

1 (c) Except for medications contained in intravenous
2 fluids, syringes, or transdermal patches, a police officer may
3 not discharge, dispose of, flush, pour, or empty any unused
4 medication into a public wastewater collection system or septic
5 system.

6 (d) When a police officer disposes of, or chooses not to
7 dispose of, medicine under this Section in good faith, the
8 police officer, the local governmental agency, and its
9 employees and agents, shall incur no liability, except for
10 willful and wanton conduct, as a result of any injury arising
11 from the disposal or non-disposal of unused medications.

12 (e) This Section shall not apply to any unused medications
13 a police officer takes into custody as part of any
14 investigation into a crime.

15 (f) The Board shall adopt rules and minimum standards for
16 local governmental agencies who authorize police officers to
17 dispose of any unused medications consistent with the
18 provisions of this Section.

19 Section 15. The Counties Code is amended by adding Section
20 3-3045 as follows:

21 (55 ILCS 5/3-3045 new)

22 Sec. 3-3045. Disposal of medications.

23 (a) As used in this Section:

24 "Law enforcement agency" means any federal, State, or local

1 law enforcement agency, including a State's Attorney and the
2 Attorney General.

3 "Public wastewater collection system" means any wastewater
4 collection system regulated by the Environmental Protection
5 Agency.

6 "Unused medication" means medication that has been
7 purchased or dispensed for a deceased individual's care and
8 that is in a solid or liquid form. "Unused medication"
9 includes, but is not limited to, patches, pills, tablets,
10 capsules, and caplets.

11 (b) Notwithstanding any provision of law to the contrary, a
12 coroner or medical examiner may dispose of any unused
13 medications found at the scene of a death the coroner or
14 medical examiner is investigating. The coroner or medical
15 examiner may dispose of the unused medications in any
16 receptacle for unused medications as described under Section 17
17 of the Safe Pharmaceutical Disposal Act or another State or
18 federally-approved medicine take-back program or location. A
19 coroner or medical examiner may only dispose of any unused
20 medications under this subsection after consulting with any
21 investigating law enforcement agency to ensure that the unused
22 medications will not be taken as evidence in any investigation.

23 (c) Except for medications contained in intravenous
24 fluids, syringes, or transdermal patches, a coroner or medical
25 examiner may not discharge, dispose of, flush, pour, or empty
26 any unused medication into a public wastewater collection

1 system or septic system.

2 (d) When a coroner or medical examiner disposes of, or
3 chooses not to dispose of, medicine under this Section in good
4 faith, the coroner or medical examiner, and his or her
5 employees and agents, shall incur no liability, except for
6 willful and wanton conduct, as a result of any injury arising
7 from the disposal or non-disposal of unused medications.

8 Section 20. The Safe Pharmaceutical Disposal Act is amended
9 by changing Section 5 as follows:

10 (210 ILCS 150/5)

11 Sec. 5. Definitions. In this Act:

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

21 "Public wastewater collection system" means any wastewater
22 collection system regulated by the Environmental Protection
23 Agency.

24 "Unused medication" means any unopened, expired, or excess

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

11 (Source: P.A. 96-221, eff. 1-1-10.)

12 Section 25. The Medical Practice Act of 1987 is amended by
13 adding Section 50-41 as follows:

14 (225 ILCS 60/50-41 new)

15 Sec. 50-41. Disposal of medications; civil liability.

16 (a) As used in this Section:

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

20 "Public wastewater collection system" means any wastewater
21 collection system regulated by the Environmental Protection
22 Agency.

23 "Unused medication" means medication that has been
24 purchased or dispensed for a deceased individual's care and

1 that is in a solid or liquid form. "Unused medication"
2 includes, but is not limited to, patches, pills, tablets,
3 capsules, and caplets.

4 (b) Notwithstanding any provision of law to the contrary, a
5 physician may dispose of any unused medications found at the
6 scene of a death the physician is present at while engaged in
7 the performance of his or her duties as a physician. The
8 physician may dispose of the unused medications in any
9 receptacle for unused medications as described under Section 17
10 of the Safe Pharmaceutical Disposal Act or another State or
11 federally-approved medicine take-back program or location. A
12 physician may only dispose of any unused medications under this
13 subsection after consulting with any investigating law
14 enforcement agency to ensure that the unused medications will
15 not be taken as evidence in any investigation.

16 (c) Except for medications contained in intravenous
17 fluids, syringes, or transdermal patches, a physician may not
18 discharge, dispose of, flush, pour, or empty any unused
19 medication into a public wastewater collection system or septic
20 system.

21 (d) When a physician disposes of, or chooses not to dispose
22 of, medicine under this Section in good faith, the physician,
23 and his or her employer, employees, and agents, shall incur no
24 liability or professional discipline, except for willful and
25 wanton conduct, as a result of any injury arising from the
26 disposal or non-disposal of unused medications.

1 Section 30. The Nurse Practice Act is amended by adding
2 Section 80 as follows:

3 (225 ILCS 65/80 new)

4 Sec. 80. Disposal of medications; civil liability.

5 (a) As used in this Section:

6 "Law enforcement agency" means any federal, State, or local
7 law enforcement agency, including offices of any States
8 Attorney and the Office of the Attorney General.

9 "Nurse" means an advanced practice nurse, licensed
10 practical nurse, or Registered Nurse.

11 "Public wastewater collection system" means any wastewater
12 collection system regulated by the Environmental Protection
13 Agency.

14 "Unused medication" means medication that has been
15 purchased or dispensed for a deceased individual's care and
16 that is in a solid or liquid form. "Unused medication"
17 includes, but is not limited to patches, pills, tablets,
18 capsules, and caplets.

19 (b) Notwithstanding any provision of law to the contrary, a
20 nurse may dispose of any unused medications found at the scene
21 of a death the nurse is present at while engaged in the
22 performance of his or her duties as a nurse. The nurse may
23 dispose of the unused medications in any receptacle for unused
24 medications as described under Section 17 of the Safe

1 Pharmaceutical Disposal Act or another State or
2 federally-approved medicine take-back program or location. A
3 nurse may only dispose of any unused medications under this
4 subsection after consulting with any investigating law
5 enforcement agency to ensure that the unused medications will
6 not be taken as evidence in any investigation.

7 (c) Except for medications contained in intravenous
8 fluids, syringes, or transdermal patches, a nurse may not
9 discharge, dispose of, flush, pour, or empty any unused
10 medication into a public wastewater collection system or septic
11 system.

12 (d) When a nurse disposes of, or chooses not to dispose of,
13 medicine under this Section in good faith, the nurse, and his
14 or her employer, employees, and agents, shall incur no
15 liability or professional discipline, except for willful and
16 wanton conduct, as a result of any injury arising from the
17 disposal or non-disposal of unused medications.