



Rep. Jonathan Carroll

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LRB100 03046 MJP 38609 a

1 AMENDMENT TO HOUSE BILL 1338

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1338 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Safe Pharmaceutical Disposal Act is amended  
5 by changing Sections 5 and 10 as follows:

6 (210 ILCS 150/5)

7 Sec. 5. Definitions. In this Act:

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

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

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

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

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

22 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17.)

23 (210 ILCS 150/10)

24 Sec. 10. Disposal of unused medications prohibited.

25 (a) Except for medications contained in intraperitoneal

1 solutions, intravenous fluids, syringes, or transdermal  
2 patches, no health care institution, nor any employee, staff  
3 person, contractor, or other person acting under the direction  
4 or supervision of a health care institution, may discharge,  
5 dispose of, flush, pour, or empty any unused medication into a  
6 public wastewater collection system or septic system.

7 (b) A violation of this Section is a petty offense subject  
8 to a fine of \$500. Fines collected under this Act from  
9 facilities licensed under the Nursing Home Care Act shall be  
10 deposited into the Long Term Care Monitor/Receiver Fund. Fines  
11 collected from all other health care institutions under this  
12 Act shall be deposited into the Environmental Protection Trust  
13 Fund.

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