



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1426

Introduced 2/7/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

410 ILCS 720/25
410 ILCS 720/35
410 ILCS 720/45

Amends the Drug Take-Back Act. Removes language providing that all potential authorized collection sites that offer to participate in a drug take-back program shall be counted towards meeting the minimum number of authorized collection sites within a drug take-back program. Removes language providing that, if the Environmental Protection Agency receives more than one proposal for a drug take-back program, the Agency shall review all proposals in conjunction with one another to ensure the proposals are coordinated to achieve the authorized collection site coverage. In provisions regarding drug take-back program promotion, provides that if there is more than one drug take-back program operated by more than one manufacturer program operator, the provisions shall be implemented individually by each drug take-back program, except that approved drug take-back programs shall coordinate to provide and maintain a single toll-free number and website publicizing collection options and collection sites (rather than implemented by all drug take-back programs collectively using a single toll-free number and website and similar education, outreach, and promotional materials). Makes other changes.

LRB103 28469 CPF 54850 b

1 AN ACT concerning safety.

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

4 Section 5. The Drug Take-Back Act is amended by changing
5 Sections 25, 35, and 45 as follows:

6 (410 ILCS 720/25)

7 Sec. 25. Drug take-back program requirements.

8 (a) At least 120 days prior to submitting a proposal under
9 Section 35, a manufacturer program operator must notify
10 potential authorized collectors of the opportunity to serve as
11 an authorized collector for the proposed drug take-back
12 program. No later than 30 days after a potential authorized
13 collector expresses interest in participating in a proposed
14 program, the manufacturer program operator must commence good
15 faith negotiations with the potential authorized collector
16 regarding the collector's participation in the program.

17 (b) A person may serve as an authorized collector for a
18 drug take-back program voluntarily or in exchange for
19 compensation. Nothing in this Act requires any person to serve
20 as an authorized collector for a drug take-back program.

21 (c) A pharmacy shall not be required to participate in a
22 drug take-back program.

23 (d) A drug take-back program must include as a collector

1 any person who (i) is a potential authorized collector and
2 (ii) offers to participate in the program. The manufacturer
3 program operator must include the person in the program as an
4 authorized collector no later than 90 days after receiving a
5 written offer to participate.

6 (e) A drug take-back program must pay for all
7 administrative and operational costs of the drug take-back
8 program, as outlined in subsection (a) of Section 55.

9 (f) An authorized collector operating a drug take-back
10 program collection site must accept all covered drugs from
11 consumers during the hours that the location used as a
12 collection site is normally open for business to the public.

13 (g) A drug take-back program collection site must collect
14 covered drugs and store them in compliance with State and
15 federal law, including United States Drug Enforcement
16 Administration regulations. The manufacturer program operator
17 must provide for transportation and disposal of collected
18 covered drugs in a manner that ensures each collection site is
19 serviced as often as necessary to avoid reaching capacity and
20 that collected covered drugs are transported to final disposal
21 in a manner compliant with State and federal law, including a
22 process for additional prompt collection service upon
23 notification from the collection site. Covered drugs shall be
24 disposed of at:

25 (1) a permitted hazardous waste facility that meets
26 the requirements under 40 CFR 264 and 40 CFR 265;

1 (2) a permitted municipal waste incinerator that meets
2 the requirements under 40 CFR 50 and 40 CFR 62; or

3 (3) a permitted hospital, medical, and infectious
4 waste incinerator that meets the requirements under
5 subpart HHH of 40 CFR part 62, an applicable State plan for
6 existing hospital, medical, and infectious waste
7 incinerators, or subpart Ec of 40 CFR part 60 for new
8 hospital, medical, and infectious waste incinerators.

9 (h) Authorized collectors must comply with all State and
10 federal laws and regulations governing the collection,
11 storage, and disposal of covered drugs, including United
12 States Drug Enforcement Administration regulations.

13 (i) A drug take-back program must provide for the
14 collection, transportation, and disposal of covered drugs on
15 an ongoing, year-round basis and must provide access for
16 residents across the State as set forth in subsection (j).

17 (j) A drug take-back program shall provide, in every
18 county with a potential authorized collector, one authorized
19 collection site and a minimum of at least one additional
20 collection site for every 50,000 county residents, provided
21 that there are enough potential authorized collectors offering
22 to participate in the drug take-back program.

23 ~~All potential authorized collection sites that offer to~~
24 ~~participate in a drug take-back program shall be counted~~
25 ~~towards meeting the minimum number of authorized collection~~
26 ~~sites within a drug take back program. Collection sites funded~~

1 ~~in part or in whole under a contract between a covered~~
2 ~~manufacturer and a pharmacy entered into on or before the~~
3 ~~effective date of this Act shall be counted towards the~~
4 ~~minimum requirements within this Section for so long as the~~
5 ~~contract continues.~~

6 (k) A drug take-back program may include mail-back
7 distribution locations or periodic collection events for each
8 county in the State. The manufacturer program operator shall
9 consult with each county authority identified in the written
10 notice prior to preparing the program plan to determine the
11 role that mail-back distribution locations or periodic
12 collection events will have in the drug take-back program.

13 The requirement to hold periodic collection events shall
14 be deemed to be satisfied if a manufacturer program operator
15 makes reasonable efforts to arrange periodic collection events
16 but they cannot be scheduled due to lack of law enforcement
17 availability.

18 A drug take-back program must permit a consumer who is a
19 homeless, homebound, or disabled individual to request
20 prepaid, preaddressed mailing envelopes. A manufacturer
21 program operator shall accept the request through a website
22 and toll-free telephone number that it must maintain to comply
23 with the requests.

24 (Source: P.A. 102-1055, eff. 6-10-22; revised 8-24-22.)

1 Sec. 35. Drug take-back program approval.

2 (a) By July 1, 2023, each covered manufacturer must
3 individually or collectively submit to the Agency for review
4 and approval a proposal for the establishment and
5 implementation of a drug take-back program. The proposal must
6 demonstrate that the drug take-back program will fulfill the
7 requirements under Section 25. ~~If the Agency receives more
8 than one proposal for a drug take back program, the Agency
9 shall review all proposals in conjunction with one another to
10 ensure the proposals are coordinated to achieve the authorized
11 collection site coverage set forth in subsection (j) of
12 Section 25.~~

13 (b) The Agency shall approve a proposed program if each
14 covered manufacturer and manufacturer program operator
15 participating in the program has registered and paid the fee
16 under Section 60, the program proposal demonstrates the
17 program fulfills the requirements under Section 25, and the
18 proposal includes the following information on forms
19 prescribed by the Agency:

20 (1) The identity and contact information for the
21 manufacturer program operator and each participating
22 covered manufacturer.

23 (2) The identity and contact information for the
24 authorized collectors participating in the drug take-back
25 program.

26 (3) The identity of transporters and waste disposal

1 facilities that the program will use to transport and
2 dispose of collected covered drugs.

3 (4) The identity of all potential authorized
4 collectors that were notified of the opportunity to serve
5 as an authorized collector, including how they were
6 notified.

7 (c) Within 90 days after receiving a drug take-back
8 program proposal, the Agency shall either approve, reject, or
9 approve with modification the proposal in writing to the
10 manufacturer program operator. During this 90-day period, the
11 Agency shall provide a 30-day public comment period on the
12 drug take-back program proposal. If the Agency rejects the
13 proposal, it shall provide the reason for rejection in the
14 written notification to the manufacturer program operator.

15 (d) No later than 90 days after receipt of a notice of
16 rejection under subsection (c) of this Section, the
17 manufacturer or manufacturers participating in the program
18 shall submit a revised proposal to the Agency. Within 90 days
19 of receipt of a revised proposal the Agency shall either
20 approve or reject the revised proposal in writing to the
21 manufacturer program operator. During this 90-day period, the
22 Agency shall provide a 30-day public comment period on the
23 revised proposal.

24 (e) After approval, covered manufacturers must,
25 individually or collectively, initiate operation of a drug
26 take-back program meeting the requirements under Section 25 no

1 later than December 1, 2023.

2 (Source: P.A. 102-1055, eff. 6-10-22.)

3 (410 ILCS 720/45)

4 Sec. 45. Drug take-back program promotion. Each drug
5 take-back program must include a system of promotion,
6 education, and public outreach about the proper collection and
7 management of covered drugs. If there is more than one drug
8 take-back program operated by more than one manufacturer
9 program operator, the requirements of this Section shall be
10 implemented individually by each drug take-back program,
11 except that approved drug take-back programs shall coordinate
12 to provide and maintain a single toll-free number and website
13 publicizing collection options and collection sites ~~by all~~
14 ~~drug take-back programs collectively using a single toll-free~~
15 ~~number and website and similar education, outreach, and~~
16 ~~promotional materials.~~ Promotion, education, and public
17 outreach ~~This~~ may include, but are ~~is~~ not limited to, signage,
18 written materials to be provided at the time of purchase or
19 delivery of covered drugs, and advertising or other
20 promotional materials. At a minimum, promotion, education, and
21 public outreach must include the following:

22 (1) Promoting the proper management of drugs by
23 residents and the collection of covered drugs through a
24 drug take-back program.

25 (2) Discouraging residents from disposing of drugs in

1 household waste, sewers, or septic systems.

2 (3) Promoting the use of the drug take-back program so
3 that where and how to return covered drugs is readily
4 understandable to residents.

5 (4) Maintaining a toll-free telephone number and
6 website publicizing collection options and collection
7 sites, and discouraging improper disposal practices for
8 covered drugs, such as disposal in household waste,
9 sewers, or septic systems.

10 (5) Preparing and distributing to program collection
11 sites, for dissemination to consumers, the educational and
12 outreach materials. The materials must use plain language
13 and explanatory images to make collection services and
14 discouraged disposal practices readily understandable by
15 residents, including residents with limited English
16 proficiency.

17 (6) Promotional materials prepared and distributed in
18 conjunction with an approved drug take-back program under
19 this Section may not be used to promote in-home disposal
20 products of any kind, including, but not limited to,
21 in-home disposal products of authorized collectors
22 participating in a drug take-back program.

23 The program promotion requirements under this Section do
24 not apply to any drug take-back program established prior to
25 the effective date of this Act that provides promotional or
26 educational materials to the public about the proper

1 collection and management of covered drugs.

2 (Source: P.A. 102-1055, eff. 6-10-22.)