



Rep. Karen May

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LRB096 10985 DRJ 27098 a

1 AMENDMENT TO SENATE BILL 1919

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1919, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the Safe  
6 Pharmaceutical Disposal Act.

7 Section 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 "Public wastewater collection system" means any wastewater  
2 collection system regulated by the Environmental Protection  
3 Agency.

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

14 Section 10. Disposal of unused medications prohibited.

15 (a) Except for medications contained in intravenous  
16 fluids, syringes, or transdermal patches, no health care  
17 institution, nor any employee, staff person, contractor, or  
18 other person acting under the direction or supervision of a  
19 health care institution, may discharge, dispose of, flush,  
20 pour, or empty any unused medication into a public wastewater  
21 collection system or septic system.

22 (b) A violation of this Section is a petty offense subject  
23 to a fine of \$500. Fines collected under this Act from  
24 facilities licensed under the Nursing Home Care Act shall be  
25 deposited into the Long Term Care Monitor/Receiver Fund. Fines

1 collected from all other health care institutions under this  
2 Act shall be deposited into the Environmental Protection Trust  
3 Fund.

4 Section 15. Health care institution protocols. Nursing  
5 homes, residential health care facilities, home health care  
6 agencies, hospice programs operating in this State,  
7 institutions, facilities, or agencies that provide services to  
8 persons with mental health illnesses, and institutions,  
9 facilities, or agencies that provide services for persons with  
10 developmental disabilities shall modify their written  
11 medication protocols to be consistent with the requirements of  
12 this Act.

13 Section 20. Oversight. Each agency having regulatory  
14 oversight responsibility for a type of health care institution  
15 as defined in this Act shall be responsible for ensuring those  
16 institutions' compliance with this Act.

17 Section 99. Effective date. This Act takes effect January  
18 1, 2010."