

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

6 Section 5. Definitions. In this Act:

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

16 "Public wastewater collection system" means any wastewater
17 collection system regulated by the Environmental Protection
18 Agency.

19 "Unused medication" means any unopened, expired, or excess
20 medication that has been dispensed for patient or resident care
21 and that is in a solid form. The term includes pills, tablets,
22 capsules, and caplets. For long-term care facilities licensed
23 under the Nursing Home Care Act, "unused medication" does not

1 include any Schedule II controlled substance under federal law
2 in any form, until such time as the federal Drug Enforcement
3 Administration adopts regulations that permit these facilities
4 to dispose of controlled substances in a manner consistent with
5 this Act.

6 Section 10. Disposal of unused medications prohibited.

7 (a) Except for medications contained in intravenous
8 fluids, syringes, or transdermal patches, no health care
9 institution, nor any employee, staff person, contractor, or
10 other person acting under the direction or supervision of a
11 health care institution, may discharge, dispose of, flush,
12 pour, or empty any unused medication into a public wastewater
13 collection system or septic system.

14 (b) A violation of this Section is a petty offense subject
15 to a fine of \$500. Fines collected under this Act from
16 facilities licensed under the Nursing Home Care Act shall be
17 deposited into the Long Term Care Monitor/Receiver Fund. Fines
18 collected from all other health care institutions under this
19 Act shall be deposited into the Environmental Protection Trust
20 Fund.

21 Section 15. Health care institution protocols. Nursing
22 homes, residential health care facilities, home health care
23 agencies, hospice programs operating in this State,
24 institutions, facilities, or agencies that provide services to

1 persons with mental health illnesses, and institutions,
2 facilities, or agencies that provide services for persons with
3 developmental disabilities shall modify their written
4 medication protocols to be consistent with the requirements of
5 this Act.

6 Section 20. Oversight. Each agency having regulatory
7 oversight responsibility for a type of health care institution
8 as defined in this Act shall be responsible for ensuring those
9 institutions' compliance with this Act.

10 Section 99. Effective date. This Act takes effect January
11 1, 2010.