



Rep. Lou Lang

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LRB099 00249 KTG 35867 a

1 AMENDMENT TO HOUSE BILL 1

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1, AS AMENDED, with  
3 reference to page and line numbers of House Amendment No. 2 as  
4 follows:

5 on page 20, line 4, by replacing "antagonist" with  
6 "antagonists"; and

7 by deleting lines 19 through 23 of page 21, all of page 22, and  
8 lines 1 through 6 of page 23; and

9 on page 54, by replacing lines 10 through 12 with the  
10 following:

11 "voluntary. Subject to appropriation, the Department of Human  
12 Services shall reimburse a school district that decides to  
13 participate in the pilot program for any costs it incurs in";  
14 and

1 on page 68, by inserting after line 17 the following:

2 "Section 5-72. The Safe Pharmaceutical Disposal Act is  
3 amended by changing Section 17 as follows:

4 (210 ILCS 150/17)

5 Sec. 17. Pharmaceutical disposal. Notwithstanding any  
6 provision of law, any city, village, or municipality may  
7 authorize the use of its city hall or police department to  
8 display a container suitable for use as a receptacle for used,  
9 expired, or unwanted pharmaceuticals. These used, expired, or  
10 unwanted pharmaceuticals may include unused medication and  
11 prescription drugs, as well as controlled substances if  
12 collected in accordance with federal law. This receptacle shall  
13 only permit the deposit of items, and the contents shall be  
14 locked and secured. The container shall be accessible to the  
15 public and shall have posted clearly legible signage indicating  
16 that expired or unwanted prescription drugs may be disposed of  
17 in the receptacle.

18 (Source: P.A. 97-546, eff. 1-1-12.); and

19 on page 79, by deleting lines 18 through 19; and

20 on page 80, by replacing lines 16 through 23 with the  
21 following:

22 "plans written in Illinois and (2) State employee health

1 plans."; and

2 on page 126, by replacing line 18 with the following:

3 "covered under both fee for service and managed care medical  
4 assistance programs for persons who"; and

5 on page 126, by replacing lines 20 through 22 with the  
6 following:

7 "Article and shall not be subject to any (1) utilization  
8 control, other than those established under the American  
9 Society of Addiction Medicine patient placement criteria, (2)  
10 prior authorization mandate, or (3) lifetime restriction limit  
11 mandate."; and

12 on page 128, by inserting after line 4 the following:

13 "Section 5-88. The Environmental Protection Act is amended  
14 by changing Section 22.55 as follows:

15 (415 ILCS 5/22.55)

16 Sec. 22.55. Household Waste Drop-off Points.

17 (a) Findings; Purpose and Intent.

18 (1) The General Assembly finds that protection of human  
19 health and the environment can be enhanced if certain  
20 commonly generated household wastes are managed separately  
21 from the general household waste stream.

1           (2) The purpose of this Section is to provide, to the  
2 extent allowed under federal law, a method for managing  
3 certain types of household waste separately from the  
4 general household waste stream.

5           (b) Definitions. For the purposes of this Section:

6           "Controlled substance" means a controlled substance as  
7 defined in the Illinois Controlled Substances Act.

8           "Household waste" means waste generated from a single  
9 residence or multiple residences.

10          "Household waste drop-off point" means the portion of a  
11 site or facility used solely for the receipt and temporary  
12 storage of household waste.

13          "One-day household waste collection event" means a  
14 household waste drop-off point approved by the Agency under  
15 subsection (d) of this Section.

16          "Personal care product" means an item other than a  
17 pharmaceutical product that is consumed or applied by an  
18 individual for personal health, hygiene, or cosmetic  
19 reasons. Personal care products include, but are not  
20 limited to, items used in bathing, dressing, or grooming.

21          "Pharmaceutical product" means medicine or a product  
22 containing medicine. A pharmaceutical product may be sold  
23 by prescription or over the counter. "Pharmaceutical  
24 product" does not include ~~(i)~~ medicine that contains a  
25 radioactive component or a product that contains a  
26 radioactive component ~~or (ii) a controlled substance.~~

1 (c) Except as otherwise provided in Agency rules, the  
2 following requirements apply to each household waste drop-off  
3 point other than a one-day household waste collection event:

4 (1) A household waste drop-off point must not accept  
5 waste other than the following types of household waste:  
6 pharmaceutical products, personal care products, batteries  
7 other than lead-acid batteries, paints, automotive fluids,  
8 compact fluorescent lightbulbs, mercury thermometers, and  
9 mercury thermostats. A household waste drop-off point may  
10 accept controlled substances in accordance with federal  
11 law.

12 (2) Except as provided in subdivision (c)(2) of this  
13 Section, household waste drop-off points must be located at  
14 a site or facility where the types of products accepted at  
15 the household waste drop-off point are lawfully sold,  
16 distributed, or dispensed. For example, household waste  
17 drop-off points that accept prescription pharmaceutical  
18 products must be located at a site or facility where  
19 prescription pharmaceutical products are sold,  
20 distributed, or dispensed.

21 (A) Subdivision (c)(2) of this Section does not  
22 apply to household waste drop-off points operated by a  
23 government or school entity, or by an association or  
24 other organization of government or school entities.

25 (B) Household waste drop-off points that accept  
26 mercury thermometers can be located at any site or

1 facility where non-mercury thermometers are sold,  
2 distributed, or dispensed.

3 (C) Household waste drop-off points that accept  
4 mercury thermostats can be located at any site or  
5 facility where non-mercury thermostats are sold,  
6 distributed, or dispensed.

7 (3) The location of acceptance for each type of waste  
8 accepted at the household waste drop-off point must be  
9 clearly identified. Locations where pharmaceutical  
10 products are accepted must also include a copy of the sign  
11 required under subsection (j) of this Section.

12 (4) Household waste must be accepted only from private  
13 individuals. Waste must not be accepted from other persons,  
14 including, but not limited to, owners and operators of  
15 rented or leased residences where the household waste was  
16 generated, commercial haulers, and other commercial,  
17 industrial, agricultural, and government operations or  
18 entities.

19 (5) If more than one type of household waste is  
20 accepted, each type of household waste must be managed  
21 separately prior to its packaging for off-site transfer.

22 (6) Household waste must not be stored for longer than  
23 90 days after its receipt, except as otherwise approved by  
24 the Agency in writing.

25 (7) Household waste must be managed in a manner that  
26 protects against releases of the waste, prevents

1 nuisances, and otherwise protects human health and the  
2 environment. Household waste must also be properly secured  
3 to prevent unauthorized public access to the waste,  
4 including, but not limited to, preventing access to the  
5 waste during the non-business hours of the site or facility  
6 on which the household waste drop-off point is located.  
7 Containers in which pharmaceutical products are collected  
8 must be clearly marked "No Controlled Substances", unless  
9 the household waste drop-off point accepts controlled  
10 substances in accordance with federal law.

11 (8) Management of the household waste must be limited  
12 to the following: (i) acceptance of the waste, (ii)  
13 temporary storage of the waste prior to transfer, and (iii)  
14 off-site transfer of the waste and packaging for off-site  
15 transfer.

16 (9) Off-site transfer of the household waste must  
17 comply with federal and State laws and regulations.

18 (d) One-day household waste collection events. To further  
19 aid in the collection of certain household wastes, the Agency  
20 may approve the operation of one-day household waste collection  
21 events. The Agency shall not approve a one-day household waste  
22 collection event at the same site or facility for more than one  
23 day each calendar quarter. Requests for approval must be  
24 submitted on forms prescribed by the Agency. The Agency must  
25 issue its approval in writing, and it may impose conditions as  
26 necessary to protect human health and the environment and to

1 otherwise accomplish the purposes of this Act. One-day  
2 household waste collection events must be operated in  
3 accordance with the Agency's approval, including all  
4 conditions contained in the approval. The following  
5 requirements apply to all one-day household waste collection  
6 events, in addition to the conditions contained in the Agency's  
7 approval:

8 (1) Waste accepted at the event must be limited to  
9 household waste and must not include garbage, landscape  
10 waste, ~~controlled substances~~, or other waste excluded by  
11 the Agency in the Agency's approval or any conditions  
12 contained in the approval. A one-day household waste  
13 collection event may accept controlled substances in  
14 accordance with federal law.

15 (2) Household waste must be accepted only from private  
16 individuals. Waste must not be accepted from other persons,  
17 including, but not limited to, owners and operators of  
18 rented or leased residences where the household waste was  
19 generated, commercial haulers, and other commercial,  
20 industrial, agricultural, and government operations or  
21 entities.

22 (3) Household waste must be managed in a manner that  
23 protects against releases of the waste, prevents  
24 nuisances, and otherwise protects human health and the  
25 environment. Household waste must also be properly secured  
26 to prevent public access to the waste, including, but not



1 limited to, preventing access to the waste during the  
2 event's non-business hours.

3 (4) Management of the household waste must be limited  
4 to the following: (i) acceptance of the waste, (ii)  
5 temporary storage of the waste before transfer, and (iii)  
6 off-site transfer of the waste or packaging for off-site  
7 transfer.

8 (5) Except as otherwise approved by the Agency, all  
9 household waste received at the collection event must be  
10 transferred off-site by the end of the day following the  
11 collection event.

12 (6) The transfer and ultimate disposition of household  
13 waste received at the collection event must comply with the  
14 Agency's approval, including all conditions contained in  
15 the approval.

16 (e) The Agency may adopt rules governing the operation of  
17 household waste drop-off points other than one-day household  
18 waste collection events. Those rules must be designed to  
19 protect against releases of waste to the environment, prevent  
20 nuisances, and otherwise protect human health and the  
21 environment. As necessary to address different circumstances,  
22 the regulations may contain different requirements for  
23 different types of household waste and different types of  
24 household waste drop-off points, and the regulations may modify  
25 the requirements set forth in subsection (c) of this Section.  
26 The regulations may include, but are not limited to, the

1 following: (i) identification of additional types of household  
2 waste that can be collected at household waste drop-off points,  
3 (ii) identification of the different types of household wastes  
4 that can be received at different household waste drop-off  
5 points, (iii) the maximum amounts of each type of household  
6 waste that can be stored at household waste drop-off points at  
7 any one time, and (iv) the maximum time periods each type of  
8 household waste can be stored at household waste drop-off  
9 points.

10 (f) Prohibitions.

11 (1) Except as authorized in a permit issued by the  
12 Agency, no person shall cause or allow the operation of a  
13 household waste drop-off point other than a one-day  
14 household waste collection event in violation of this  
15 Section or any regulations adopted under this Section.

16 (2) No person shall cause or allow the operation of a  
17 one-day household waste collection event in violation of  
18 this Section or the Agency's approval issued under  
19 subsection (d) of this Section, including all conditions  
20 contained in the approval.

21 (g) Permit exemptions.

22 (1) No permit is required under subdivision (d)(1) of  
23 Section 21 of this Act for the operation of a household  
24 waste drop-off point other than a one-day household waste  
25 collection event if the household waste drop-off point is  
26 operated in accordance with this Section and all

1 regulations adopted under this Section.

2 (2) No permit is required under subdivision (d)(1) of  
3 Section 21 of this Act for the operation of a one-day  
4 household waste collection event if the event is operated  
5 in accordance with this Section and the Agency's approval  
6 issued under subsection (d) of this Section, including all  
7 conditions contained in the approval, or for the operation  
8 of a household waste collection event by the Agency.

9 (h) This Section does not apply to the following:

10 (1) Persons accepting household waste that they are  
11 authorized to accept under a permit issued by the Agency.

12 (2) Sites or facilities operated pursuant to an  
13 intergovernmental agreement entered into with the Agency  
14 under Section 22.16b(d) of this Act.

15 (i) The Agency, in consultation with the Department of  
16 Public Health, must develop and implement a public information  
17 program regarding household waste drop-off points that accept  
18 pharmaceutical products, as well as mail-back programs  
19 authorized under federal law.

20 (j) The Agency must develop a sign that provides  
21 information on the proper disposal of unused pharmaceutical  
22 products. The sign shall include information on approved  
23 drop-off sites or list a website where updated information on  
24 drop-off sites can be accessed. The sign shall also include  
25 information on mail-back programs and self-disposal. The  
26 Agency shall make a copy of the sign available for downloading

1 from its website. Every pharmacy shall display the sign in the  
2 area where medications are dispensed and shall also display any  
3 signs the Agency develops regarding local take-back programs or  
4 household waste collection events. These signs shall be no  
5 larger than 8.5 inches by 11 inches.

6 (k) If an entity chooses to participate as a household  
7 waste drop-off point, then it must follow the provisions of  
8 this Section and any rules the Agency may adopt governing  
9 household waste drop-off points.

10 (l) The Agency shall establish, by rule, a statewide  
11 medication take-back program by June 1, 2016 to ensure that  
12 there are pharmaceutical product disposal options regularly  
13 available for residents across the State. No private entity may  
14 be compelled to serve as or fund a take-back location or  
15 program. Medications collected and disposed of under the  
16 program shall include controlled substances approved for  
17 collection by federal law. All medications collected and  
18 disposed of under the program must be managed in accordance  
19 with all applicable federal and State laws and regulations. The  
20 Agency shall issue a report to the General Assembly by June 1,  
21 2019 detailing the amount of pharmaceutical products annually  
22 collected under the program, as well as any legislative  
23 recommendations.

24 (Source: P.A. 96-121, eff. 8-4-09.)"