



Rep. Patricia R. Bellock

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LRB099 20496 AWJ 47003 a

1 AMENDMENT TO HOUSE BILL 5781

2 AMENDMENT NO. _____. Amend House Bill 5781 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by adding
5 Section 40 as follows:

6 (20 ILCS 2610/40 new)

7 Sec. 40. Disposal of medications. The Department may by
8 rule authorize State Police officers to dispose of any unused
9 medications under Section 18 of the Safe Pharmaceutical
10 Disposal Act.

11 Section 10. The Illinois Police Training Act is amended by
12 adding Section 10.19 as follows:

13 (50 ILCS 705/10.19 new)

14 Sec. 10.19. Disposal of medications. The Board shall

1 develop rules and minimum standards for local governmental
2 agencies that authorize police officers to dispose of unused
3 medications under Section 18 of the Safe Pharmaceutical
4 Disposal Act.

5 Section 15. The Counties Code is amended by adding Section
6 3-3045 as follows:

7 (55 ILCS 5/3-3045 new)

8 Sec. 3-3045. Disposal of medications. A coroner or medical
9 examiner may dispose of any unused medications found at the
10 scene of a death the coroner or medical examiner is
11 investigating under Section 18 of the Safe Pharmaceutical
12 Disposal Act.

13 Section 20. The Safe Pharmaceutical Disposal Act is amended
14 by changing Section 5 and adding Section 18 as follows:

15 (210 ILCS 150/5)

16 Sec. 5. Definitions. In this Act:

17 "Health care institution" means any public or private
18 institution or agency licensed or certified by State law to
19 provide health care. The term includes hospitals, nursing
20 homes, residential health care facilities, home health care
21 agencies, hospice programs operating in this State,
22 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.

4 "Law enforcement agency" means any federal, State, or local
5 law enforcement agency, including a State's Attorney and the
6 Attorney General.

7 "Nurse" means an advanced practice nurse, registered
8 nurse, or licensed practical nurse licensed under the Nurse
9 Practice Act.

10 "Physician" means a person licensed to practice medicine in
11 all its branches under the Medical Practice Act of 1987.

12 "Public wastewater collection system" means any wastewater
13 collection system regulated by the Environmental Protection
14 Agency.

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

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

1 (210 ILCS 150/18 new)

2 Sec. 18. Unused medications at the scene of a death.

3 (a) Notwithstanding any provision of law to the contrary,
4 the Department of State Police may by rule authorize State
5 Police officers to dispose of any unused medications found at
6 the scene of a death the State Police officer is investigatinq.
7 A State Police officer may only dispose of any unused
8 medications under this subsection after consulting with any
9 other investigating law enforcement agency to ensure that the
10 unused medications will not be needed as evidence in any
11 investigation. This Section shall not apply to any unused
12 medications a State Police officer takes into custody as part
13 of any investigation into a crime.

14 (b) Notwithstanding any provision of law to the contrary, a
15 local governmental agency may authorize police officers to
16 dispose of any unused medications found at the scene of a death
17 a police officer is investigatinq. A police officer may only
18 dispose of any unused medications under this subsection after
19 consulting with any other investigating law enforcement agency
20 to ensure that the unused medications will not be needed as
21 evidence in any investigation. This Section shall not apply to
22 any unused medications a police officer takes into custody as
23 part of any investigation into a crime.

24 (c) Notwithstanding any provision of law to the contrary, a
25 coroner or medical examiner may dispose of any unused

1 medications found at the scene of a death the coroner or
2 medical examiner is investigating. A coroner or medical
3 examiner may only dispose of any unused medications under this
4 subsection after consulting with any investigating law
5 enforcement agency to ensure that the unused medications will
6 not be needed as evidence in any investigation.

7 (d) If a police officer, State Police officer, coroner, or
8 medical examiner is not present at the scene of a death, a
9 nurse or physician may dispose of any unused medications found
10 at the scene of a death the nurse or physician is present at
11 while engaging in the performance of his or her duties.

12 (e) Any disposal under this Section shall be in accordance
13 with Section 17 of this Act or another State or federally
14 approved medication take-back program or location.

15 (f) This Section shall not apply to prescription drugs for
16 which the United States Food and Drug Administration created a
17 Risk Evaluation and Mitigation Strategy for under the Food and
18 Drug Administration Amendments Act of 2007.

19 (g) Nothing in this Section shall be construed to require a
20 search of the scene for unused medications.

21 (h) When anyone authorized to dispose of unused medication
22 under this Section disposes of, or chooses not to dispose of,
23 unused medication under this Section in good faith, the
24 individual, and his or her employer, employees, and agents,
25 shall incur no civil or criminal liability or professional
26 discipline, except for willful and wanton conduct, as a result

1 of any injury arising from the disposal or non-disposal of
2 unused medications.

3 Section 25. The Medical Practice Act of 1987 is amended by
4 adding Section 50-41 as follows:

5 (225 ILCS 60/50-41 new)

6 Sec. 50-41. Disposal of medications; civil liability. A
7 physician may dispose of any unused medications found at the
8 scene of a death the physician is present at while engaged in
9 the performance of her or her duties as a physician, and civil
10 liability is limited, under Section 18 of the Safe
11 Pharmaceutical Disposal Act.

12 Section 30. The Nurse Practice Act is amended by adding
13 Section 50-80 as follows:

14 (225 ILCS 65/50-80 new)

15 Sec. 50-80. Disposal of medications; civil liability. An
16 advanced practice nurse, licensed practical nurse, or
17 registered nurse may dispose of any unused medications found at
18 the scene of a death the nurse is present at while engaged in
19 the performance of her or her duties as a nurse, and civil
20 liability is limited, under Section 18 of the Safe
21 Pharmaceutical Disposal Act."