



Rep. Patricia R. Bellock

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09900HB5781ham002

LRB099 20496 AWJ 47476 a

1 AMENDMENT TO HOUSE BILL 5781

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

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

7 (20 ILCS 2610/40 new)

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

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

14 (50 ILCS 705/10.19 new)

1 Sec. 10.19. Disposal of medications. The Board shall
2 develop rules and minimum standards for local governmental
3 agencies that authorize police officers to dispose of unused
4 medications under Section 18 of the Safe Pharmaceutical
5 Disposal Act.

6 Section 15. The Counties Code is amended by adding Section
7 3-3045 as follows:

8 (55 ILCS 5/3-3045 new)

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

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

16 (210 ILCS 150/5)

17 Sec. 5. Definitions. In this Act:

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

1 institutions, facilities, or agencies that provide services to
2 persons with mental health illnesses, and institutions,
3 facilities, or agencies that provide services for persons with
4 developmental disabilities.

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

8 "Public wastewater collection system" means any wastewater
9 collection system regulated by the Environmental Protection
10 Agency.

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

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

23 (210 ILCS 150/18 new)

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

25 (a) Notwithstanding any provision of law to the contrary,

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

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

21 (c) Notwithstanding any provision of law to the contrary, a
22 coroner or medical examiner may dispose of any unused
23 medications found at the scene of a death the coroner or
24 medical examiner is investigating. A coroner or medical
25 examiner may only dispose of any unused medications under this
26 subsection after consulting with any investigating law

1 enforcement agency to ensure that the unused medications will
2 not be needed as evidence in any investigation.

3 (d) Any disposal under this Section shall be in accordance
4 with Section 17 of this Act or another State or federally
5 approved medication take-back program or location.

6 (e) This Section shall not apply to prescription drugs for
7 which the United States Food and Drug Administration created a
8 Risk Evaluation and Mitigation Strategy for under the Food and
9 Drug Administration Amendments Act of 2007.

10 (f) Nothing in this Section shall be construed to require a
11 search of the scene for unused medications."