



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0706

Introduced 1/25/2017, by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

210 ILCS 150/5
210 ILCS 150/18
225 ILCS 60/50-41 new
225 ILCS 65/50-80 new

Amends the Safe Pharmaceutical Disposal Act. Provides that in the absence of a police officer, State Police officer, coroner, or medical examiner at the scene of a death, a nurse or physician may dispose of unused medication found at the scene while engaging in the performance of his or her duties. Provides that anyone authorized to dispose of unused medications under the Act, and his or her employer, employees, or agents shall incur no civil liability, criminal liability, or professional discipline, except for willful or wanton misconduct, as a result of any injury arising from his or her good faith disposal or non-disposal of unused medication. Defines "nurse" and "physician". Amends the Medical Practice Act of 1987 and the Nurse Practice Act to make conforming changes. Effective immediately.

LRB100 05394 MJP 15405 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Safe Pharmaceutical Disposal Act is amended
5 by changing Sections 5 and 18 as follows:

6 (210 ILCS 150/5)

7 Sec. 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.

17 "Law enforcement agency" means any federal, State, or local
18 law enforcement agency, including a State's Attorney and the
19 Attorney General.

20 "Nurse" means an advanced practice nurse, registered
21 nurse, or licensed practical nurse licensed under the Nurse
22 Practice Act.

23 "Physician" means a person licensed to practice medicine in

1 all its branches under the Medical Practice Act of 1987.

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

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

16 (Source: P.A. 99-648, eff. 1-1-17.)

17 (210 ILCS 150/18)

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

19 (a) Notwithstanding any provision of law to the contrary,
20 the Department of State Police may by rule authorize State
21 Police officers to dispose of any unused medications found at
22 the scene of a death the State Police officer is investigating.
23 A State Police officer may only dispose of any unused
24 medications under this subsection after consulting with any
25 other investigating law enforcement agency to ensure that the

1 unused medications will not be needed as evidence in any
2 investigation. This Section shall not apply to any unused
3 medications a State Police officer takes into custody as part
4 of any investigation into a crime.

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

15 (c) Notwithstanding any provision of law to the contrary, a
16 coroner or medical examiner may dispose of any unused
17 medications found at the scene of a death the coroner or
18 medical examiner is investigating. A coroner or medical
19 examiner may only dispose of any unused medications under this
20 subsection after consulting with any investigating law
21 enforcement agency to ensure that the unused medications will
22 not be needed as evidence in any investigation.

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

26 (e) This Section shall not apply to prescription drugs for

1 which the United States Food and Drug Administration created a
2 Risk Evaluation and Mitigation Strategy for under the Food and
3 Drug Administration Amendments Act of 2007.

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

6 (g) Prior to disposal of any medication collected as
7 evidence in a criminal investigation under this Section, a
8 State Police officer, police officer, coroner, or medical
9 examiner shall photograph the unused medication and its
10 container or packaging, if available; document the number or
11 amount of medication to be disposed; and include the
12 photographs and documentation in the police report, coroner
13 report, or medical examiner report.

14 (h) If an autopsy is performed as part of a death
15 investigation, no medication seized under this Section shall be
16 disposed of until after a toxicology report is received by the
17 entity requesting the report.

18 (i) If a police officer, State Police officer, coroner, or
19 medical examiner is not present at the scene of a death, a
20 nurse or physician may dispose of any unused medications found
21 at the scene of a death the nurse or physician is present at
22 while engaging in the performance of his or her duties.

23 (j) When anyone authorized to dispose of unused medication
24 under this Section disposes of, or chooses not to dispose of,
25 unused medication under this Section in good faith, the
26 individual, and his or her employer, employees, and agents,

1 shall incur no civil liability, criminal liability, or
2 professional discipline, except for willful and wanton
3 conduct, as a result of any injury arising from the disposal or
4 non-disposal of unused medications.

5 (Source: P.A. 99-648, eff. 1-1-17.)

6 Section 10. The Medical Practice Act of 1987 is amended by
7 adding Section 50-41 as follows:

8 (225 ILCS 60/50-41 new)

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

15 Section 15. The Nurse Practice Act is amended by adding
16 Section 50-80 as follows:

17 (225 ILCS 65/50-80 new)

18 Sec. 50-80. Disposal of medications; civil liability. An
19 advanced practice nurse, licensed practical nurse, or
20 registered nurse may dispose of any unused medications found at
21 the scene of a death the nurse is present at while engaged in
22 the performance of his or her duties as a nurse, and civil

1 liability is limited, under Section 18 of the Safe
2 Pharmaceutical Disposal Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.