

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 "Public wastewater collection system" means any wastewater

1 collection system regulated by the Environmental Protection
2 Agency.

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

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

15 (210 ILCS 150/18)

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

17 (a) Notwithstanding any provision of law to the contrary,
18 the Department of State Police may by rule authorize State
19 Police officers to dispose of any unused medications found at
20 the scene of a death the State Police officer is investigating.
21 A State Police officer may only dispose of any unused
22 medications under this subsection after consulting with any
23 other investigating law enforcement agency to ensure that the
24 unused medications will not be needed as evidence in any
25 investigation. This Section shall not apply to any unused

1 medications a State Police officer takes into custody as part
2 of any investigation into a crime.

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

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

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

24 (e) This Section shall not apply to prescription drugs for
25 which the United States Food and Drug Administration created a
26 Risk Evaluation and Mitigation Strategy for under the Food and

1 Drug Administration Amendments Act of 2007.

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

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

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

16 (i) If a police officer, State Police officer, coroner, or
17 medical examiner is not present at the scene of a death, a
18 nurse may dispose of any unused medications found at the scene
19 of a death the nurse is present at while engaging in the
20 performance of his or her duties. A nurse may dispose of any
21 unused medications under this subsection only after consulting
22 with any investigating law enforcement agency to ensure that
23 the unused medications will not be needed as evidence in an
24 investigation.

25 (j) When an individual authorized to dispose of unused
26 medication under this Section disposes of unused medication

1 under this Section in good faith, the individual, and his or
2 her employer, employees, and agents, shall incur no criminal
3 liability or professional discipline.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.