



Rep. Jack McGuire

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LRB095 01301 CMK 35567 a

1 AMENDMENT TO HOUSE BILL 2277

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2277 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Prescription and Consumer Drug Disposal Act.

6 Section 5. Definitions. For purposes of this Act:

7 (a) "Agency" means the Illinois Environmental Protection  
8 Agency.

9 (b) "Consumer" means an individual purchaser or owner of a  
10 drug. "Consumer" does not include a business, corporation,  
11 limited partnership, or any entity involved in a wholesale  
12 transaction between a distributor and retailer.

13 (c) "Controlled substance" has the same meaning as provided  
14 in subsection (f) of Section 102 of the Illinois Controlled  
15 Substances Act.

16 (d) "Drug" means any of the following:

1           (1) Articles recognized in the official United States  
2           Pharmacopoeia, or any supplement thereof, the official  
3           National Formulary, or any supplement thereof, or the  
4           official Homeopathic Pharmacopoeia of the United States,  
5           or any supplement thereof.

6           (2) Articles intended for use in the diagnosis, cure,  
7           mitigation, treatment, or prevention of disease in humans  
8           or other animals.

9           (3) Articles, excluding food, intended to affect the  
10          structure or any function of the body of humans or other  
11          animals.

12          (4) Articles intended for use as a component of any  
13          article specified in items (1), (2), or (3) of this  
14          subsection.

15          (e) "Pharmacy" or "authorized pharmacy" means any pharmacy  
16          registered in this State under the Pharmacy Practice Act of  
17          1987.

18          (f) "Sale" includes, but is not limited to, transactions  
19          conducted through sales outlets, catalogs, the Internet, or any  
20          other similar electronic means. "Sale" does not include any  
21          sale that is a wholesale transaction involving a distributor or  
22          retailer.

23          Section 10. Prescription and Consumer Drug Disposal Pilot  
24          Program. To reduce the improper disposal of prescription and  
25          consumer drugs in this State, the Agency, in collaboration with

1 the Department of Public Health and the Department of Financial  
2 and Professional Regulation, shall implement a Prescription  
3 and Consumer Drug Disposal Pilot Program through which  
4 prescription and consumer drugs may be disposed of by safe and  
5 environmentally sound methods. The Agency, by rule, shall  
6 determine which drugs are eligible for the take-back disposal  
7 program. The pilot program shall be conducted for a period of  
8 at least one year in at least 2 counties in the State.

9 Upon termination of the pilot program under this Section,  
10 the Agency may adopt additional rules to extend, indefinitely,  
11 the Prescription and Consumer Drug Disposal Program to  
12 additional counties in the State.

13 Section 15. Collection and disposal.

14 (a) Beginning July 1, 2008 and continuing through July 1,  
15 2009, each authorized pharmacy and retail establishment that  
16 contains an authorized pharmacy located in a county that is  
17 participating in the pilot program shall have in place a system  
18 for safe and secure acceptance and collection of eligible drugs  
19 from consumers for the proper disposal of those drugs.

20 (b) A system for safe and secure acceptance and collection  
21 of drugs for proper disposal shall, at a minimum, include all  
22 of the following elements:

23 (1) The take-back, at no cost to the consumer, of any  
24 eligible drug of a type or brand that the retailer sold or  
25 had sold.

1           (2) A conspicuous notice to consumers that includes  
2 informational materials, including, but not limited to, an  
3 Internet website link or a telephone number, placed on the  
4 invoice or purchase order, or packaged with the drug, that  
5 provides information necessary to access additional  
6 information about the opportunities and locations for  
7 no-cost drug recycling.

8           (3) Information about drug return opportunities  
9 provided by the pharmacy or retailer that encourages  
10 consumers to use those opportunities. This information may  
11 include, but is not limited to, one or more of the  
12 following:

13           (A) Signage that is prominently displayed and  
14 easily visible to the consumer.

15           (B) Written materials provided to the consumer at  
16 the time of purchase or delivery, or both.

17           (C) Reference to the drug take-back opportunity in  
18 that retailer's advertising or other promotional  
19 materials, or both.

20           (D) Direct communications with the consumer at the  
21 time of purchase.

22           (c) Any retailer or pharmacy with an independent drug  
23 disposal program that is consistent with the pilot program and  
24 is in place on or before July 1, 2008 and remains in effect  
25 through July 1, 2009 shall be deemed in compliance with this  
26 Act.

1           (d) The Agency may adopt rules to include controlled  
2 substances in the Prescription and Consumer Drug Disposal Pilot  
3 Program only to the extent allowed by federal and State law."