



Rep. Naomi D. Jakobsson

Filed: 2/15/2008

09500HB2277ham003

LRB095 01301 BDD 46382 a

1 AMENDMENT TO HOUSE BILL 2277

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

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

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

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

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

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

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

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

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

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

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

16 (e) "Pharmacy" or "authorized pharmacy" means any pharmacy  
17 registered in this State under the Pharmacy Practice Act of  
18 1987.

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

24 (g) "Sharps collection station" has the meaning set forth  
25 under Section 3.458 of the Environmental Protection Act.

1           Section 10. Prescription and Consumer Drug and Sharps  
2 Disposal Pilot Program. To reduce the improper disposal of  
3 prescription and consumer drugs in this State, the Agency, in  
4 collaboration with the Department of Public Health and the  
5 Department of Financial and Professional Regulation, shall  
6 implement a Prescription and Consumer Drug and Sharps Disposal  
7 Pilot Program through which prescription and consumer drugs may  
8 be disposed of by safe and environmentally sound methods. The  
9 Agency, by rule, shall determine which drugs are eligible for  
10 the take-back disposal program. The pilot program shall be  
11 conducted for a period of at least one year in at least 2  
12 counties in the State.

13           Upon termination of the pilot program under this Section,  
14 the Agency may adopt additional rules to extend, indefinitely,  
15 the Prescription and Consumer Drug and Sharps Disposal Program  
16 to additional counties in the State.

17           Section 15. Collection and disposal.

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

25           (b) A system for safe and secure acceptance and collection

1 of drugs and sharps for proper disposal shall, at a minimum,  
2 include all of the following elements:

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

6 (2) A sharps collection station that is available to  
7 any person regardless of where the sharps were sold or  
8 obtained.

9 (3) A conspicuous notice to consumers that includes  
10 informational materials, including, but not limited to, an  
11 Internet website link or a telephone number, placed on the  
12 invoice or purchase order, or otherwise provided with the  
13 packaged drug by the dispensing pharmacy or retailer, that  
14 provides information necessary to access additional  
15 information about the opportunities and locations for  
16 no-cost drug recycling.

17 (4) Information about drug return opportunities and  
18 sharps collection provided by the pharmacy or retailer that  
19 encourages consumers to use those opportunities. This  
20 information may include, but is not limited to, one or more  
21 of the following:

22 (A) Signage that is prominently displayed and  
23 easily visible to the consumer.

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

26 (C) Reference to the drug take-back opportunity in

1           that retailer's advertising or other promotional  
2           materials, or both.

3           (D) Direct communications with the consumer at the  
4           time of purchase.

5           (c) Any retailer or pharmacy with an independent drug  
6           disposal program that is consistent with the pilot program and  
7           is in place on or before July 1, 2008 and remains in effect  
8           through July 1, 2009 shall be deemed in compliance with this  
9           Act.

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