



Rep. Naomi D. Jakobsson

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

25 Section 10. Prescription and Consumer Drug and Sharps

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

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

15 Section 15. Collection and disposal.

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

23 (b) A system for safe and secure acceptance and collection
24 of drugs and sharps for proper disposal shall, at a minimum,
25 include all of the following elements:

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

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

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

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

20 (A) Signage that is prominently displayed and
21 easily visible to the consumer.

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

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

1 (D) Direct communications with the consumer at the
2 time of purchase.

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

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

11 Section 20. No rules. Notwithstanding any other rulemaking
12 authority that may exist, neither the Governor nor any agency
13 or agency head under the jurisdiction of the Governor has any
14 authority to make or promulgate rules to implement or enforce
15 the provisions of this Act. If, however, the Governor believes
16 that rules are necessary to implement or enforce the provisions
17 of this Act, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and the
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 Act shall be interpreted to grant rulemaking authority under
24 any other Illinois statute where such authority is not
25 otherwise explicitly given. For the purposes of this Section,

1 "rules" is given the meaning contained in Section 1-70 of the
2 Illinois Administrative Procedure Act, and "agency" and
3 "agency head" are given the meanings contained in Sections 1-20
4 and 1-25 of the Illinois Administrative Procedure Act to the
5 extent that such definitions apply to agencies or agency heads
6 under the jurisdiction of the Governor."