

1 AN ACT concerning local government.

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

4 Section 5. The State Police Act is amended by adding
5 Section 40 as follows:

6 (20 ILCS 2610/40 new)

7 Sec. 40. Disposal of medications. The Department may by
8 rule authorize State Police officers to dispose of any unused
9 medications under Section 18 of the Safe Pharmaceutical
10 Disposal Act.

11 Section 10. The Illinois Police Training Act is amended by
12 adding Section 10.19 as follows:

13 (50 ILCS 705/10.19 new)

14 Sec. 10.19. Disposal of medications. The Board shall
15 develop rules and minimum standards for local governmental
16 agencies that authorize police officers to dispose of unused
17 medications under Section 18 of the Safe Pharmaceutical
18 Disposal Act.

19 Section 15. The Counties Code is amended by adding Section
20 3-3045 as follows:

1 (55 ILCS 5/3-3045 new)

2 Sec. 3-3045. Disposal of medications. A coroner or medical
3 examiner may dispose of any unused medications found at the
4 scene of a death the coroner or medical examiner is
5 investigating under Section 18 of the Safe Pharmaceutical
6 Disposal Act.

7 Section 20. The Safe Pharmaceutical Disposal Act is amended
8 by changing Section 5 and adding Section 18 as follows:

9 (210 ILCS 150/5)

10 Sec. 5. Definitions. In this Act:

11 "Health care institution" means any public or private
12 institution or agency licensed or certified by State law to
13 provide health care. The term includes hospitals, nursing
14 homes, residential health care facilities, home health care
15 agencies, hospice programs operating in this State,
16 institutions, facilities, or agencies that provide services to
17 persons with mental health illnesses, and institutions,
18 facilities, or agencies that provide services for persons with
19 developmental disabilities.

20 "Law enforcement agency" means any federal, State, or local
21 law enforcement agency, including a State's Attorney and the
22 Attorney General.

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. 96-221, eff. 1-1-10.)

15 (210 ILCS 150/18 new)

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.