

No More Pills Down the Drain: Illinois Bans Disposal of Unused Pharmaceuticals in Wastewater Treatment Systems

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New legislation enacted in Illinois prohibits the disposal of unused medications into public wastewater collection systems by certain health care institutions. On August 4, 2009, Gov. Pat Quinn signed the "Safe Pharmaceutical Disposal Act" (the SPDA) (Public Act 096-0221), which becomes effective January 1, 2010, and prohibits the disposal of unused medication in solid form into any wastewater collection system regulated by the Illinois Environmental Protection Agency (IEPA). The SPDA also requires that certain healthcare institutions must revise or implement written policies and practices regarding the disposal of unused solid medications in order to ensure compliance with the new law.

The SPDA applies to hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs, mental health providers and developmental disabilities providers. These entities must review their practices regarding the disposal of unused medication in solid form and ensure that its employees, staff, contractors or any other people under their supervision are instructed on the proper manner in which to dispose of unused medication in solid form. In addition, nursing homes, residential health care facilities, home health care agencies, hospice programs, mental health providers and developmental disabilities providers (but, interestingly, not hospitals) are expressly required to modify their written medication disposal protocols so that they are consistent with the requirements of the SPDA. The SPDA does not expressly apply to retail entities such as pharmacies that distribute solid medications. Each violation of the SPDA may result in a fine of \$500 to the violating facility. Although the agency having oversight responsibilities for each of the entities subject to the SPDA is charged with ensuring the entity's compliance with the act's requirements, SPDA does not specify how the new law will be enforced.

In addition to the enactment of the SPDA, the Governor also signed a related law (Public Act 96-0121) on August 10, 2009, that amends the Illinois Environmental Protection Act and requires the IEPA, in consultation with the Illinois Department of Public Health, to

establish a program through which people can drop off unused pharmaceutical products (including products sold by prescription and over the counter). The new law also requires that the IEPA develop a sign that provides information regarding household waste drop-off points. This sign will be available for download from the IEPA's website. Public Act 96-0121 also provides that prescription pharmaceutical product drop-off points must be located at a site or facility where prescription pharmaceutical products are sold, distributed or generated.

Illinois State Sen. Susan Garrett (D-Lake Forest) was the lead sponsor for both of the new laws, which were enacted in response to growing concerns regarding trace contaminants of pharmaceuticals found in Illinois waterways and public drinking water supplies, as well as concerns related to the effects on state waterways and wildlife. More research is needed to determine the extent of ecological harm and any role it may have in potential human health effects.

At the federal level, the United States Environmental Protection Agency has begun sampling for pharmaceuticals and personal care products in fish and surface water as part of its National Rivers and Stream Assessment in 2008. The U.S. EPA will collect numerous samples from randomly selected sites nationwide and report the results in 2011. On April 23, 2009, the U.S. House of Representatives also passed H.R. 1145, a bill which would require, among other things, that the U.S. EPA identify pharmaceuticals and personal care products in wastewater and analyze the amount, sources and potential treatment options to prevent them from entering drinking water. If passed into law, the U.S. EPA would have two years to complete the study. Currently, H.R. 1145 is pending in the U.S. Senate's Committee on Environment and Public Works.

As the Illinois legislation and certain activities at the federal level indicate, the issue of pharmaceutical products in drinking water and waterways is a growing concern to many stakeholders, and future legislation requiring additional monitoring and/or treatment is likely to be forthcoming.

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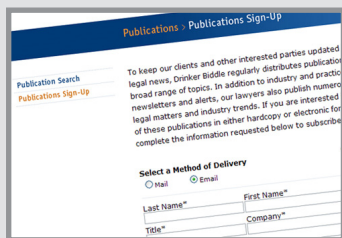
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