

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0433.01 Kristen Forrestal x4217

HOUSE BILL 14-1207

HOUSE SPONSORSHIP

Young, McCann

SENATE SPONSORSHIP

Aguilar and Newell, Schwartz, Nicholson

House Committees

Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE HOUSEHOLD MEDICATION**
102 **TAKE-BACK PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the executive director of the department of public health and environment (department) to establish a household medication take-back program (program) to collect and dispose of unused household medications. The program allows individuals to dispose of unused

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

household medications at approved collection sites, and for carriers to transport unused household medications from approved collection sites to disposal locations.

The bill specifies that collection sites, carriers, and disposal locations that act in good faith are not subject to liability for incidents arising from the collection, transport, or disposal of household medications.

The bill creates the household medication take-back cash fund for the implementation of the program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-15-328 as
3 follows:

4 **25-15-328. Household medication take-back program -**
5 **creation - liability - definitions - cash fund - rules.** (1) (a) THE
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT PRESCRIPTION DRUG
7 ABUSE IS A RAMPANT PROBLEM IN COLORADO, IN PART DUE TO THE
8 ACCIDENTAL AND INTENTIONAL ABUSE OF LEFTOVER HOUSEHOLD
9 MEDICATIONS. THE GENERAL ASSEMBLY FURTHER DECLARES THAT CITIZEN
10 ACCESS TO A DISPOSAL LOCATION TO RETURN UNUSED HOUSEHOLD
11 MEDICATIONS WILL REDUCE THE AVAILABILITY OF HOUSEHOLD
12 MEDICATIONS FOR UNINTENDED OR ABUSIVE PURPOSES AND WILL FURTHER
13 PROTECT THE ENVIRONMENT THROUGH PROPER DISPOSAL.

14 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH A
15 HOUSEHOLD MEDICATION TAKE-BACK PROGRAM TO FACILITATE THE SAFE
16 AND EFFECTIVE COLLECTION AND PROPER DISPOSAL OF UNUSED
17 MEDICATIONS.

18 (2) AS USED IN THIS SECTION:

19 (a) "APPROVED COLLECTION SITE" MEANS A SITE APPROVED BY
20 THE DEPARTMENT FOR THE COLLECTION OF UNUSED HOUSEHOLD

1 MEDICATIONS.

2 (b) "CARRIER" MEANS AN ENTITY APPROVED BY THE DEPARTMENT
3 TO TRANSPORT UNUSED HOUSEHOLD MEDICATIONS FROM APPROVED
4 COLLECTIONS SITES TO A DISPOSAL LOCATION.

5 (c) "DISPOSAL LOCATION" MEANS A SITE APPROVED BY THE
6 DEPARTMENT WHERE UNUSED HOUSEHOLD MEDICATIONS ARE DESTROYED
7 IN COMPLIANCE WITH APPLICABLE LAWS SO THAT THE HOUSEHOLD
8 MEDICATIONS ARE IN A NONRETRIEVABLE STATE AND CANNOT BE
9 DIVERTED FOR ILLICIT PURPOSES.

10 (d) "HOUSEHOLD MEDICATIONS" MEANS CONTROLLED SUBSTANCES
11 APPROVED FOR COLLECTION BY FEDERAL LAW, PRESCRIPTION DRUGS, AND
12 OVER-THE-COUNTER MEDICATIONS IN THE POSSESSION OF AN INDIVIDUAL.

13 (3) SUBJECT TO AVAILABLE FUNDS, THE EXECUTIVE DIRECTOR OF
14 THE DEPARTMENT SHALL ESTABLISH A HOUSEHOLD MEDICATION
15 TAKE-BACK PROGRAM TO COLLECT AND DISPOSE OF UNUSED HOUSEHOLD
16 MEDICATIONS. THE PROGRAM MUST ALLOW FOR INDIVIDUALS TO DISPOSE
17 OF UNUSED HOUSEHOLD MEDICATIONS AT APPROVED COLLECTION SITES
18 AND FOR CARRIERS TO TRANSPORT UNUSED HOUSEHOLD MEDICATIONS
19 FROM APPROVED COLLECTION SITES TO DISPOSAL LOCATIONS.

20 (4) A COLLECTION SITE, CARRIER, OR DISPOSAL LOCATION IS NOT
21 SUBJECT TO LIABILITY FOR INCIDENTS ARISING FROM THE COLLECTION,
22 TRANSPORT, OR DISPOSAL OF HOUSEHOLD MEDICATIONS IF THE
23 COLLECTION SITE, CARRIER, OR DISPOSAL LOCATION COMPLIES WITH THE
24 HOUSEHOLD MEDICATION TAKE-BACK PROGRAM IN GOOD FAITH AND DOES
25 NOT VIOLATE ANY APPLICABLE LAWS.

26 (5) THE HOUSEHOLD MEDICATION TAKE-BACK CASH FUND IS
27 CREATED IN THE STATE TREASURY FOR THE DIRECT AND INDIRECT COSTS

1 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THE FUND
2 CONSISTS OF MONEYS APPROPRIATED OR TRANSFERRED TO THE FUND BY
3 THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, AND DONATIONS FROM
4 ANY PUBLIC OR PRIVATE ENTITY. THE DEPARTMENT SHALL TRANSMIT
5 GIFTS, GRANTS, AND DONATIONS COLLECTED BY THE DEPARTMENT TO THE
6 STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE FUND. THE
7 MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE
8 GENERAL ASSEMBLY.

9 (6) NOTHING IN THIS SECTION:

10 (a) AFFECTS THE AUTHORITY TO COLLECT AND REUSE
11 MEDICATIONS PURSUANT TO SECTION 12-42.5-133, C.R.S.; OR

12 (b) PROHIBITS THE OPERATION OF EXISTING MEDICATION
13 TAKE-BACK AND DISPOSAL PROGRAMS REGULATED BY THE DEPARTMENT.

14 (7) THE COMMISSION MAY PROMULGATE RULES FOR THE
15 IMPLEMENTATION OF THIS SECTION.

16 **SECTION 2. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 household medication take-back cash fund created in section 25-15-328
19 (5), Colorado Revised Statutes, not otherwise appropriated, to the
20 department of public health and environment, for the fiscal year
21 beginning July 1, 2014, the sum of \$50,000, or so much thereof as may
22 be necessary, for allocation to the division of environmental health and
23 sustainability for the establishment of a household medication take-back
24 program as required by this act.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2014 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.