

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

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

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE HOUSEHOLD MEDICATION
102 TAKE-BACK PROGRAM.

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 household medications at approved collection sites, and for carriers to

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.

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
21 MEDICATIONS.

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

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

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

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

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

25 (5) THE HOUSEHOLD MEDICATION TAKE-BACK CASH FUND IS
26 CREATED IN THE STATE TREASURY FOR THE DIRECT AND INDIRECT COSTS
27 ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THE FUND

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

8 (6) NOTHING IN THIS SECTION:

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

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

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

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2014 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.