

CHAPTER 238

HEALTH AND ENVIRONMENT

HOUSE BILL 14-1207

BY REPRESENTATIVE(S) Young, McCann, Fields, Fischer, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Melton, Mitsch Bush, Moreno, Pabon, Primavera, Rosenthal, Salazar, Schafer, Singer, Ryden, Tyler;
also SENATOR(S) Aguilar and Newell, Schwartz, Nicholson, Heath, Hodge, Kefalas, Kerr, King, Steadman, Tochtrop, Todd, Zenzinger.

AN ACT

CONCERNING THE CREATION OF THE HOUSEHOLD MEDICATION TAKE-BACK PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

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

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

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

(2) AS USED IN THIS SECTION:

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

(b) "CARRIER" MEANS AN ENTITY APPROVED BY THE DEPARTMENT TO TRANSPORT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

UNUSED HOUSEHOLD MEDICATIONS FROM APPROVED COLLECTIONS SITES TO A DISPOSAL LOCATION.

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

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

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

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

(5) THE HOUSEHOLD MEDICATION TAKE-BACK CASH FUND IS CREATED IN THE STATE TREASURY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THE FUND CONSISTS OF MONEYS APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, AND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY. THE DEPARTMENT SHALL TRANSMIT GIFTS, GRANTS, AND DONATIONS COLLECTED BY THE DEPARTMENT TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY.

(6) NOTHING IN THIS SECTION:

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

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

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

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the household medication take-back cash fund created in section 25-15-328 (5), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year

beginning July 1, 2014, the sum of \$50,000, or so much thereof as may be necessary, for allocation to the division of environmental health and sustainability for the establishment of a household medication take-back program as required by this act.

SECTION 3. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$5,000.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2014, the sum of \$5,000, or so much thereof as may be necessary, to be allocated to the division of environmental health and sustainability for the establishment of a household medication take-back program as required by this act.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 21, 2014