



SPONSOR: Rep. Kowalko & Sen. Henry & Sen. Walsh  
Reps. Bolden, Brady, Collins, J. Johnson, Keeley,  
Mitchell, Osienski, Paradee, Potter, Ramone, Smyk,  
K. Williams; Sen. Bushweller

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 331

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO BENZODIAZEPINE AND NON-BENZODIAZEPINE HYPNOTICS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4701, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 4701. Definitions

4 As used in this chapter:

5 (6) "Benzodiazepine" means any substance or drug which contains a benzene ring fused to a 7 member diazepine  
6 ring, results in the depression of the central nervous system and is primarily intended to treat insomnia, convulsions and  
7 anxiety, and used for muscle relaxation and pre-operation treatment including alprazolam, clonazepam, diazepam,  
8 lorazepam, and temazepam.

9 (29) "Non-benzodiazepine hypnotic" means any substance or drug which produces effects similar to that of a  
10 benzodiazepine and is primarily intended to treat insomnia, including zaleplon, zopiclone, and zolpidem.

11 (47) "Secretary" means Secretary of the Department of State or the Secretary's designee in paragraph (19) of this  
12 section; §§ 4711; 4713; 4715; 4717; 4718(l); 4719; 4720(c); 4721; 4731; 4732; 4733; 4734(a) and (b); 4735 (b), (c) and (d);  
13 4736(a) and (b); 4737; 4738; 4739(b); 4762(e)(2); 4781(1); 4782; 4783(b); 4785; 4786; 4787(b), (c), (d), (e) and 4791(d) of  
14 this title.

15 "Secretary" means Secretary of the ~~Department of Safety and Homeland Security~~ Department of Health and Social  
16 Services of the State or the Secretary's designee in §§ 4740; ~~4740B~~; 4781(2), (3) and (4); 4783(a) and (c); 4784; and  
17 4787(a) of this title.

18 Section 2. Amend Subchapter III, Chapter 47, Title 16 of the Delaware Code by making deletions as shown by  
19 strike through and insertions as shown by underline as follows and redesignating accordingly:

20 § 4740B. Use, Distribution and Education of Benzodiazepine and Non-benzodiazepine Hypnotics.

21 (a) Obligations of the Secretary:

22           (1) The Secretary shall produce and distribute either in written or electronic form to pharmacies, not including  
23 institutional pharmacies, pamphlets for consumers relative to benzodiazepines and non-benzodiazepine hypnotics that  
24 includes educational information about: (i) misuse and abuse by adults and children; (ii) risk of dependency and addiction;  
25 (iii) proper storage and disposal; (iv) addiction support and treatment resources; and (v) a telephone helpline. A pharmacist  
26 shall distribute the pamphlet when dispensing a benzodiazepines or a non-benzodiazepine hypnotic.

27           (b) Duties of Practitioners:

28           (1) No practitioner shall prescribe a benzodiazepine or a non-benzodiazepine hypnotic to a minor without first  
29 obtaining a parent or guardian's written informed consent. The Secretary shall prescribe a form for physicians to use in  
30 obtaining such consent. The form shall be written in a manner designed to permit a person unfamiliar with medical  
31 terminology to understand its purpose and content, and shall include the following information: (i) misuse and abuse by  
32 adults and children; (ii) risk of dependency and addiction; (iii) possible life threatening risks of minors using the drug for  
33 the first time; and (iv) risks associated with long-term use of drugs.

#### SYNOPSIS

This bill creates regulations concerning the use, distribution and education of Benzodiazepine and Non-benzodiazepine Hypnotics. It require Practitioners to obtain consent from a minor's parent or guardian prior to prescribing these drugs, and require pharmacist to include a cautionary statement explaining the risks associated with the long term use of these drugs.