

CHAPTER 126
FORMERLY
HOUSE BILL NO. 220

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DRUG ABUSE.

WHEREAS, the Centers for Disease Control and Prevention has said the United States is in the midst of an opioid overdose epidemic; and

WHEREAS, in 2015, opioids killed more than 33,000 people and nearly half of all opioid overdoses involved a prescription opioid; and

WHEREAS, in 2012, Delaware's prescription rate of high dose opioids was the highest in the nation; and

WHEREAS, in 2012 Delaware's prescription rate of long-acting/extended-release opioid pain relievers was second highest in the nation; and

WHEREAS, more people in Delaware die from a drug overdose than from a motor vehicle injury; and

WHEREAS, in 2013 ten percent of Delaware eighth grade students reported using a prescription drug illegally; and

WHEREAS, in 2016 opiates contributed to the deaths of 308 Delawareans; and

WHEREAS, there is a need to coordinate the efforts of various state agencies, professional organizations, and community based organizations to combat drug abuse; and

WHEREAS, the Prescription Drug Advisory Committee (PDAC) is an ad-hoc committee that has been functioning for five years but needs to be broader in scope and have a stronger mandate.

NOW, THEREFORE:

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

Section 1. Amend Chapter 51, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter IX. Addiction Action Committee

§ 5196. Purpose and Authority.

(a) The Addiction Action Committee (the "Committee") is hereby established. The purpose of the Committee shall be to develop and monitor a coordinated and comprehensive approach to Delaware's addiction epidemic. In furtherance of this purpose, the Committee will recommend and encourage comprehensive prevention, treatment, surveillance and monitoring strategies to evaluate and curtail the addiction epidemic in Delaware and shall promote quality and accessible pain management for Delawareans.

(b) The Division of Public Health shall have access to data and reports necessary to inform the committee's work.

(c) Beginning with a report submitted on June 1, 2018, the Committee shall make annual recommendations to the Governor and the General Assembly regarding progress and recommendations to improve rates of mortality and morbidity from addictive drugs. Notwithstanding any provision of this subchapter to the contrary, such recommendation shall not specifically identify any individual or any nongovernmental agency, organization or entity.

(d) The Committee shall be composed of 17 members. The Chairperson of the Committee shall be the Secretary of the Department of Health and Social Services or the Secretary's designee. The members shall be the following:

(1) The Secretary of the Department of Health and Social Services.

(2) The Deputy Secretary of the Department of Health and Social Services.

(3) The Secretary of the Department of State.

(4) The Secretary of the Department of Safety and Homeland Security.

(5) The Secretary of the Department of Services for Children, Youth and their Families.

(6) The Secretary of the Department of Education.

(7) The Attorney General.

(8) The Governor shall appoint the following members:

a. 2 Delaware licensed physicians nominated by the Medical Society of Delaware.

b. A Delaware licensed registered nurse nominated by the Delaware Nurses Association.

c. A Delaware licensed pharmacist nominated by the Delaware Pharmacists Society.

d. A representative of a drug treatment facility.

e. A representative of the pharmaceutical industry.

f. A representative of a healthcare facility nominated by the Delaware Healthcare Association.

g. A representative of a private insurance carrier.

h. Two public members that shall represent community efforts to address the problem of substance abuse.

(e) Members serving by virtue of position may appoint a designee to serve in their stead and at their pleasure. Appointed members shall serve at the pleasure of the appointing authority.

(f) At the request of the Committee or at the invitation of the Chair, other individuals may be invited to participate in the conversation because such individuals bring specific expertise for a topic under discussion. The Committee shall adopt bylaws that provide for operating procedures such as: election of officers, appointment of sub-committees, designation of a quorum, conducting of meetings, and other matters that will promote the efficient operation of the Committee in the performance of its duties under this chapter.

(g) Administrative support for the committee shall be provided by the Department of Health and Social Services.

Approved August 16, 2017