

LAWS OF DELAWARE  
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CHAPTER 167  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 131

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ALLOWING DENTAL HYGIENISTS TO ADMINISTER LOCAL ANESTHESIA.

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

Section 1. Amend § 1101, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1101. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them under this section except where the context clearly indicates a different meaning:~~

For purposes of this chapter:

(1) “Academic license” means a license issued under § 1132A of this title to a full-time director, chairperson, or attending faculty member of a hospital based dental, oral and maxillofacial ~~surgery~~ surgery, or other specialty dental residency program for the purposes of teaching.

(2) “Board” ~~shall mean~~ means the State Board of Dentistry and Dental Hygiene established in this chapter.

(3) “Dental assistant” ~~shall mean~~ means any person not licensed to practice dentistry ~~and/or~~ or dental hygiene in this State, who aids a dentist in the performance of generalized tasks, including chair-side aid, clerical work, reception, radiography, dental laboratory work, and any other such tasks delegated by the dentist.

(4) “Dental auxiliary personnel” ~~shall mean~~ means any person not licensed to practice dentistry in this State, who works in a dental office as either a dental assistant, dental hygienist, dental technician, or otherwise.

(5) “Dental hygienist” ~~shall mean~~ means a person who is qualified to practice dental hygiene as prescribed in this chapter.

(6) “Dental technician” ~~shall mean~~ means any person not licensed to practice dentistry in this State, engaged in the business of constructing, altering, repairing or duplicating full dentures (“plates”), partial dentures, splints, orthodontic appliances, fixed ~~bridges~~ bridges, or any other prosthetic appliances.

(7) “Dentist” ~~shall mean~~ means a person who is qualified to practice dentistry as prescribed in the chapter.

(8) “Direct supervision” means the dentist is physically present in the dental office or facility for the duration of the procedure, diagnoses the condition to be treated, authorizes the procedure, and examines the patient before the patient’s dismissal.

~~(8)~~ (9) “Division” ~~shall mean~~ means the State Division of Professional Regulation.

~~(10)~~ (11) “Excessive use or abuse of drugs” ~~shall mean~~ means any use of narcotics, controlled ~~substances~~ substances, or illegal drugs without a prescription from a licensed individual with valid prescriptive authority or the abuse of alcoholic beverage or prescription or nonprescription drugs, such that it impairs a person’s ability to perform the work of a dentist or dental hygienist.

(12) “Local anesthesia” means the elimination of sensations, especially pain, in one part of the body by the topical application or regional injection of a drug, and includes anesthesia administered using the infiltration technique and anesthesia administered using the nerve block technique.

~~(11)~~ (13) “Person” ~~shall mean~~ means a corporation, company, ~~association~~ association, or partnership, as well as an individual.

~~(12)~~ (14) “Practice of dental hygiene” ~~shall mean~~ means the removal of calculus deposits, plaque and stains from all surfaces of the teeth, and making instrumental examinations of the oral cavity, and assembling all necessary information for use by the dentist in diagnosis and treatment planning, and the performance of such prophylactic or preventive measures in the case of teeth, including the application of chemicals to the teeth and periodontal tissues, designed and approved for the prevention of dental caries ~~and/or~~ or periodontal disease, as the Board may ~~authorize; but~~ authorize. The “practice of dental hygiene” also includes the administration of local anesthesia under the direct supervision of a licensed dentist and in accordance with requirements and standards that the Board shall establish by regulation. ~~the~~ The “practice of dental hygiene” shall ~~does~~ not include any other operation on the teeth or tissues of the mouth.

(13) (15) “Practice of dentistry” ~~is defined as~~ means the evaluation, diagnosis, ~~prevention~~ prevention, and treatment (nonsurgical, surgical or related procedures) of diseases, ~~disorders~~ disorders, and conditions of the oral cavity, maxillofacial ~~area~~ area, and the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of the dentist’s education, ~~training~~ training, and experience, in accordance with the ethics of the profession and applicable law. A person ~~shall be~~ is construed to practice dentistry who by verbal claim, sign, advertisement, opening of an office, or in any other way, including use of the words “dentist,” “dental surgeon,” the letters “D.D.S.,” “D.M.D.,” or other letters or titles, represents the person to be a ~~dentist~~ dentist, or who holds ~~himself or herself~~ oneself out as able to perform, or who does perform, dental services or work. A person ~~shall be~~ is regarded as practicing dentistry who is a manager, proprietor, ~~operator~~ operator, or conductor of a place for performing dental operations or who for a fee, ~~salary~~ salary, or other reward paid, or to be paid either to ~~himself or herself~~ oneself or to another person, performs or advertises to perform dental operations of any kind.

(14) (16) “State” ~~shall mean~~ means the State of Delaware.

Section 2. Amend § 1106, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1106. Powers and duties of the Board.

(a) The State Board of Dentistry and Dental Hygiene ~~shall have~~ has the authority to:

(15) Establish by rule and regulation the requirement to and standards for permits that authorize ~~dentist~~ dentists to administer anesthetic agents.

(17) Establish by rule and regulation the requirement to and standards for permits that authorize dental hygienists to administer local anesthesia under the direct supervision of a licensed dentist.

Section 3. Amend § 1121, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1121. License required.

(b) A dental hygienist licensed under this chapter shall practice dental hygiene only under the general supervision of a licensed dentist, in the office of the licensed ~~dentist~~ dentist, or in any public school or other public institution of this ~~State~~. State, except that a dental hygienist may only administer local anesthesia under the direct supervision of a licensed dentist.

(c) A licensed dental hygienist may practice under the general supervision of the State Dental Director, or the State Dental Director’s designee, who shall be a licensed Delaware dentist, in schools and state institutions. A licensed dental hygienist may also practice under the general supervision of the State Dental Director, or the State Dental Director’s designee, who shall be a Delaware licensed dentist, in federally qualified health centers, nonprofit organizations, and other locations as designated by the Delaware Health Care Commission in consultation with Delaware Institute for Dental Education and Research. The protocols under which hygienists practice in these settings will be established by the State Dental Director and shall be subject to the approval of the Delaware State Board of Dentistry and Dental Hygiene. In any setting, a dental hygienist may only administer local anesthesia under the direct supervision of a licensed dentist.

Section 4. No later than January 1, 2026, the State Board of Dentistry and Dental Hygiene shall adopt regulations establishing the requirements and standards to allow dental hygienists to administer local anesthesia.

Section 5. Sections 1 through 3 of this Act take effect the earlier of the following:

(1) January 1, 2026.

(2) Notice by the State Board of Dentistry and Dental Hygiene published in the Register of Regulations that final regulations to implement this Act have been promulgated.

Approved August 25, 2025