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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 148

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE TOPICAL MEDICAL WASTE REDUCTION ACT.

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

1 Section 1. Amend § 2502, Title 24 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 § 2502. Definitions.

4 For purposes of this chapter:

5 (23) “Practitioner-dispensed medication” means a drug that is all of the following:

6 a. Dispensed by a practitioner to a patient.

7 b. A topical antibiotic, anti-inflammatory, dilation, or glaucoma drop or ointment.

8 c. On stand-by or retrieved from a dispensing system for a specified patient for use during a procedure or
9 visit with the practitioner.

10 Section 2. Amend § 2523, Title 24 of the Delaware Code by making deletions as shown by strike through and
11 insertions as shown by underline as follows:

12 § 2523. Exemptions.

13 Nothing in this chapter may be construed to ~~prevent~~ prevent any of the following:

14 (9)a. A practitioner from dispensing the unused portion of practitioner-dispensed medication to the patient
15 upon discharge or the conclusion of the visit if the practitioner-dispensed medication is labeled consistent with the
16 requirements under § 2522 of this title and required for continuing treatment. If the practitioner-dispensed medication
17 is used in an operating room or emergency department, the practitioner must counsel the patient on the proper use and
18 administration of the drug.

19 b. A practitioner who fails to comply with paragraph (9)a. of this section is subject to disciplinary
20 sanction under this title.

21 Section 3. This Act is known as “The Topical Medical Waste Reduction Act”.

SYNOPSIS

This Act allows a practitioner with the authority to prescribe medication to give the unused portion of topical medication used during treatment to a patient upon discharge or the conclusion of the visit. This Act is based on the Model Act created by the American Academy of Ophthalmology, which has been adopted in Illinois.

During a procedure, practitioners may use only a few drops or small amount of medication from a container. Because regulations governing the ability to dispense the remaining portion of stock-item medications can be unclear or appear overly burdensome, many facilities do not allow the practitioner to dispense that container to the patient to take home with them. Instead, the practitioner must write a prescription for the patient and the medication that remains in the container is discarded.

By allowing patients to take home provider-dispensed medication, this Act reduces waste and health-care costs and by eliminating the extra burden of going to the pharmacy to fill a prescription, this Act will better ensure medication compliance.

This Act is known as "The Topical Medical Waste Reduction Act".

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Sturgeon