



SPONSOR: Rep. Lynn
Reps. K. Johnson, Lambert, Phillips

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 61

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DRUGS USED IN GOVERNMENT-SANCTIONED EXECUTIONS.

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

1 Section 1. Amend Subchapter III, Chapter 47, Title 16 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 § 4740C. Prohibition on the sale of drugs for use in government-sanctioned executions; pentobarbital.

4 (a) For purposes of this section:

5 (1) "Officer" means the highest-ranking director, partner, or other leader of an organization who has authority
6 over and responsibility for the organization's sale or distribution of drugs.

7 (2) "Organization" means any entity listed in the definition of "person" under § 302 of Title 1, other than an
8 individual.

9 (b) An organization organized under the laws of this State may not sell, distribute, or dispense a drug if the
10 organization's officer knows or should know that the drug will be used in any capacity in a government-sanctioned
11 execution.

12 (c) A person that sells, distributes, or dispenses a drug containing any quantity of pentobarbital must require the
13 purchaser to sign an attestation that the drug will not be used, or sold to another individual to use, in the government-
14 sanctioned execution of an individual.

15 (d) An officer of an organization is civilly and criminally liable for a violation of this section if the officer knew or
16 should have known that an agent or employee of the organization was selling, distributing, or dispensing drugs in violation
17 of this section.

18 (e) A person that violates this section is guilty of a class A felony and is subject to a civil penalty of not more than
19 \$50,000.

20 (f) If the person that violates this section is a corporation organized under the laws of this State, the charter of the
21 corporation will be revoked on a finding of criminal or civil liability for the violation.

SYNOPSIS

This Act creates civil and criminal liability for a corporation or other business organized under the laws of this State that sells, distributes, or dispenses a drug that is used as part of a government-sanctioned execution.

Under this Act, the highest-ranking officer of the organization that sells, distribute, or dispenses a drug that the officer knows or should know will be used in any capacity in a government-sanctioned execution is guilty of a class A felony and is subject to a civil penalty of not more than \$50,000. If the organization is a corporation, its corporate charter will also be revoked.