



SPONSOR: Sen. Townsend & Rep. Bentz
Sens. Hansen, Hocker, Lopez; Reps. Briggs King,
Hefferman, Hudson, Keeley, Miro, Paradee

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 48

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

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

1 Section 1. Amend § 3001G, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3001G. Administration of naloxone by peace officers and the Community-Based Naloxone Access Program.

4 (e) DHSS shall create written and uniform treatment and care plans for emergency and critical patients statewide
5 that constitute the standing orders for the administration of naloxone by peace officers and participants in the Community-
6 Based Naloxone Access Program. The treatment protocol for naloxone administration under this chapter must be approved
7 and signed by the State EMS Medical Director, or the Medical Director or the Director of the Division of Public Health,
8 Department of Health and Social Services. Doctors prescribing naloxone and pharmacists dispensing naloxone who, acting
9 in good faith, directly or by standing order, prescribe or dispense the drug naloxone to a person who completes an
10 approved-training program who, in the judgment of the health-care provider, is capable of administering the drug for an
11 emergency opioid overdose, shall not be subject to disciplinary or other adverse action under any professional licensing
12 statute, criminal liability, or liable for damages for injuries or death sustained to the individual in connection with
13 administering the drug, unless it is established that such injuries or death were caused wilfully, wantonly, or by gross
14 negligence on the part of the doctors who signed the standing order and protocol or pharmacists who dispensed the
15 naloxone.

SYNOPSIS

Under this Act, a pharmacist who dispenses naloxone under an established set of circumstances is not subject to disciplinary or other adverse action under any professional licensing statute or criminal liability, or liable for damages related to injuries or death sustained in connection with administering the drug, unless it is established that the pharmacist caused the injuries or death wilfully, wantonly, or by gross negligence.

Author: Sen. Bryan Townsend