



SPONSOR: Rep. Heffernan & Sen. Townsend  
Reps. Baumbach, Brady, Jaques; Sen. Hansen

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 234

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

Section 1. Amend § 4797, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4797. Statewide authorized tamper resistant prescription forms.

(a) ~~Effective October 1, 2010, every~~Every prescription written in this State by a practitioner shall be written on a statewide authorized tamper-resistant prescription form. This section shall not apply to prescriptions generated within a licensed medical facility that results in the internal dispensing of prescription drugs to any patient receiving treatment in that facility, nor to tamper-resistant prescription forms electronically generated within a licensed medical facility that meet the criteria ~~established by the committee created~~ established by the rules and regulations promulgated under this section.

(c) ~~The Secretary of the Delaware Department of Safety and Homeland Security (DSHS), or the Secretary's designee, shall form a committee consisting of representatives of state agencies and private sector interests. The purpose of the committee is to establish a statewide prescription form with specific criteria pursuant to this section to eliminate or significantly reduce prescription fraud. The committee shall develop the standard format and identifying markers on the front and back of the prescription form to be used by practitioners throughout the State. "Markers" shall be defined as the specific criteria under this subsection which shall be authorized by the State to be used on a statewide prescription form. The committee shall further develop a request for proposal which shall contain the adopted format and criteria approved by the committee to be submitted for bid to the State. The committee shall also have the authority to promulgate rules and regulations for the implementation of the provisions of this subsection. The committee shall be comprised of the following members:~~

~~(1) The Secretary of the Department of Safety and Homeland Security or the Secretary's designee;~~

~~(2) A representative from the State Police Drug Diversion Unit to be appointed by the Secretary of the Department of Safety and Homeland Security;~~

~~(3) A representative from the Medical Society of Delaware to be appointed by the Governor;~~

23           ~~(4) A representative from the pharmaceutical industry to be appointed by the Governor;~~  
24           ~~(5) The Director of the Division of Professional Regulation or the Director's designee;~~  
25           ~~(6) A representative of the Delaware Healthcare Facilities Association to be appointed by the Governor;~~  
26           ~~(7) The Director of Medicaid and Medical Assistance or the Director's designee;~~  
27           ~~(8) A representative of the Board of Pharmacy to be appointed by the Director of the Division of Professional~~  
28   Regulation;  
29           ~~(9) A representative from the Delaware Healthcare Association to be appointed by the Governor;~~  
30           ~~(10) A representative from the Office of Controlled Substances to be appointed by the Director of the Division~~  
31   of Professional Regulation;  
32           ~~(11) A representative from the Delaware Pharmacists Society to be appointed by the Governor;~~  
33           ~~(12) Two members at-large to be appointed by the Governor of the State.~~  
34           (c) The Secretary of the Department of State, upon the recommendation of the Controlled Substance Advisory  
35   Committee, may promulgate rules and regulations to implement the provisions of this section.

#### SYNOPSIS

This Act gives the Delaware Secretary of State the authority to promulgate rules and regulations for the implementation of this Act. This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.