



SPONSOR: Rep. Wilson-Anton & Sen. Gay
Sens. Hansen, S. McBride

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 157

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 Chapter 47, Title 16 of the Delaware Code by making insertions as shown by underline and deletions as shown by strike through as follows:

§ 4701. Definitions.

As used in this chapter:

(42) "Prescription drug order" means any ~~written or verbal~~ written, verbal, or electronic order of a practitioner for a prescription drug issued in accordance with regulations promulgated under this chapter.

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

§ 4762. Hypodermic syringe or needle; delivering or possessing; disposal; exceptions; ~~penalties.~~

(a) A licensed pharmacist, or pharmacist intern or pharmacy student under the supervision of a pharmacist, may provide hypodermic syringes or hypodermic needles, including pen ~~needles for the administration of prescription medications by injection~~ needles in the State of Delaware without a prescription, but only to persons who have attained the age of 18 years ~~and who will self-administer prescription medications by injection or administer prescription medications to a minor child for whom they are the parent or legal guardian.~~ When providing hypodermic syringes or hypodermic needles without a prescription, the ~~above-mentioned~~ pharmacist, pharmacist intern or pharmacy student must require proof of identification that validates the individual's age.

(b) Every person who lawfully possesses an instrument described in subsection (a) of this section shall, before disposal, destroy such instrument in such a manner as to render it unfit for reuse in any manner.

~~(c) Any person who delivers, disposes of or gives away any instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle or any instrument adapted for the use of narcotic drugs by parenteral injection except in the manner prescribed in this section, shall be guilty of a class G felony.~~

22 ~~(d)~~ (c) Nothing in this section shall prohibit the delivery, furnishing, sale, purchase or possession of an instrument
23 commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle used or to be used
24 solely and exclusively for treating poultry or livestock and such delivery, furnishing, sale, purchase, possession or use shall
25 be governed by rules and regulations to be prescribed by the Department of Agriculture.

26 ~~(e)~~ (d) This section does not apply to any of the following:

27 (1) The sale at wholesale by pharmacies, drug jobbers, drug ~~wholesalers~~ wholesalers, and drug manufacturers
28 or manufacturers and dealers in surgical instruments to ~~practitioners~~; practitioners.

29 (2) The furnishing or obtaining of hypodermic syringes or hypodermic needles for uses which the Secretary
30 determines are industrial. Notwithstanding the other provisions of this section, a person may obtain such instruments,
31 without a written order or oral order reduced to writing, for such industrial ~~uses~~; and uses.

32 (3) Any person licensed under the Delaware Board of Nursing who may provide syringes or hypodermic
33 needles in the course of patient teaching, discharge teaching, or routine patient care to indigent clients in in-patient,
34 out-patient, ~~and/or~~ or community settings.

SYNOPSIS

This Act expands the definition of “prescription drug order” to include orders issued electronically. This Act also eliminates the condition on the issuance by a pharmacist, pharmacist intern or pharmacy student of a hypodermic syringe or needle without a prescription to someone who will self-administer medication or administer medication to a minor child by a parent or legal guardian, but only to persons age 18 or older. This Act repeals an existing paragraph in Title 16, § 4762(c) of the Delaware Code which makes it a Class G felony to deliver, dispose of or give away a hypodermic syringe or needle except as prescribed by Title 16, § 4762 of the Delaware Code. The Act also makes corrections to existing law to make it conform to the standards of the Legislative Drafting Manual.