

SPONSOR: Sen. Sturgeon & Sen. Hansen & Sen. Townsend &
Rep. Lambert & Rep. Bentz
Sens. Mantzavinos, Paradee, Pinkney, Sokola, Walsh;
Reps. Baumbach, Briggs King, Griffith, Kowalko, Lynn,
Morrison, Osienski

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 44
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DRUG OVERDOSE FATALITY REVIEW COMMISSION.

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

Section 1. Amend § 4799A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4799A. Definitions.

For purposes of this ~~subchapter, the following definitions shall apply:~~ subchapter:

(1) "Controlled substance" means a drug, substance or immediate precursor in Schedules I through V of ~~subchapter~~ Subchapter II of this chapter.

(2) "Fentanyl" ~~shall have the meaning ascribed to it by~~ means as defined in § 4716(c)(6) of this ~~title or its successor provision.~~ title.

(3) "Opiate" means any controlled substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability and is a prescription drug.

(4) "Overdose death" means a death caused, in whole or in part, by the consumption or use of ~~heroin or the consumption or use of a opiate, or the consumption or use of fentanyl.~~ a controlled substance.

(5) "Prescription drug" ~~shall have the meaning ascribed to it by~~ means as defined in § 4701 of this ~~title or its successor provision.~~ title.

Section 2. Amend § 4799B, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4799B. Organization and composition.

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(g) The Commission shall by resolution passed by a majority of its members establish 3 regional review teams authorized to review overdose ~~deaths involving opiates, fentanyl and/or heroin.~~ deaths. Members of the Commission shall appoint representatives to each review team such that the review team reflects the disciplines of the Commission.

Section 3. Amend § 4799C, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4799C. Powers and duties.

(a) The Commission shall investigate and review the facts and circumstances of ~~all~~ overdose deaths ~~involving opiates, fentanyl or heroin which~~ that occur in Delaware. The review of deaths involving criminal investigations will be delayed until the later of the conclusion of such investigation, or the adjudication of related criminal charges, if any. The Commission shall make recommendations to the Governor and General Assembly, at least annually, regarding those practices or conditions which impact the frequency of overdose deaths ~~involving opiates, fentanyl or heroin,~~ and steps that can be taken to reduce the frequency of such overdose deaths. All recommendations made ~~pursuant to~~ under this subsection ~~shall~~ must comply with applicable state and federal confidentiality provisions, including ~~but not limited to~~ those enumerated ~~in~~ under § 4799D of this title. Notwithstanding any provision of this subchapter to the contrary, no recommendation ~~shall~~ may specifically identify any individual or any nongovernmental agency, ~~organization~~ organization, or entity.

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