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

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 157
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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.~~

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

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

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

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

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