LAWS OF DELAWARE
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CHAPTER 410
149th GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 331
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AS AMENDED BY HOUSE
AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO BENZODIAZEPINE AND NON-BENZODIAZEPINE HYPNOTICS.

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

Section 1. Amend § 4701, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 4701. Definitions

As used in this chapter:

(6) "Benzodiazepine" means any substance or drug which contains a benzene ring fused to a 7 member diazepine ring, results in the depression of the central nervous system and is primarily intended to treat insomnia, convulsions and anxiety, and used for muscle relaxation and pre-operation treatment including alprazolam, clonazepam, diazepam, lorazepam, and temazepam.

(29) Non-benzodiazepine hypnotic" means any zaleplon, zolpidem, and any schedule II or schedule III drug, as defined by the Controlled Substances Act, 21 U.S. C. §812 (c) and 21 C.F.R. 1308, which produces effects similar to that of a benzodiazepine.

(47) "Secretary" means Secretary of the Department of State or the Secretary's designee in paragraph (19) of this section; §§ 4711; 4713; 4715; 4717; 4718(l); 4719; 4720(c); 4721; 4731; 4732; 4733; 4734(a) and (b); 4735 (b), (c) and (d); 4736(a) and (b); 4737; 4738; 4739(b); 4762(e)(2); 4781(1); 4782; 4783(b); 4785; 4786; 4787(b), (c), (d), (e) and 4791(d) of this title.

"Secretary" means Secretary of the Department of Safety and Homeland Security of the State or the Secretary's designee in §§ 4740; 4781(2), (3) and (4); 4783(a) and (c); 4784; and 4787(a) of this title.

"Secretary" means Secretary of the Department of Health and Social Services or the Secretary's designee in § 4740B.

Section 2. Amend Subchapter III, Chapter 47, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 4740B. Use, Distribution and Education of Benzodiazepine and Non-benzodiazepine Hypnotics.

(a) Obligations of the Secretary:

(1) The Secretary shall produce and distribute either in written or electronic form to pharmacies, not including institutional pharmacies, pamphlets for consumers relative to benzodiazepines and non-benzodiazepine hypnotics that includes educational information about: (i) misuse and abuse by adults and children; (ii) risk of dependency and addiction; (iii) proper storage and disposal; (iv) addiction support and treatment resources; and (v) a telephone helpline. A pharmacist shall distribute the pamphlet when dispensing a benzodiazepines or a non-benzodiazepine hypnotic.

(b) Duties of Practitioners:

(1) No practitioner shall prescribe a benzodiazepine or a non-benzodiazepine hypnotic to a minor without first obtaining a parent or guardian's written informed consent except in the case of emergency treatment or for treatment associated with neuromuscular disabilities. The Secretary shall prescribe a form for physicians to use in obtaining such consent. The form shall be written in a manner designed to permit a person unfamiliar with medical terminology to understand its purpose and content,

and shall include the following information: (i) misuse and abuse by adults and children; (ii) risk of dependency and addiction; (iii) possible life threatening risks of minors using the drug for the first time; and (iv) risks associated with long-term use of drugs.

Approved September 4, 2018