SPONSOR: Rep. Carson & Sen. Ennis
Reps. Hocker, Jaques, Outten, Peterman, Scott, B. Short, D. Short, Viola; Sens. Bushweller, Simpson

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE BILL NO. 206

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF PHARMACY.

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

Section 1. Amend § 2506(a)(18), Title 24 of the Delaware Code by deleting "Discipline." and substituting in lieu thereof "Discipline; and".

Section 2. Amend §2506(a), Title 24 of the Delaware Code by adding a new paragraph "(19)" thereto as follows:

"(19) Establish standards and procedures for a voluntary drug collection program which includes the collection, destruction, return and/or redistribution of previously dispensed medications. Drugs permissible under federal and state law shall only be redistributed if returned or collected from a licensed health-care facility and the drugs were under the direct control of a licensed health care professional. The drug collection program shall be conducted under the direct supervision of a licensed health care professional who is authorized to handle such medications and must comply with all applicable local, state, and federal laws and regulations. Collection, destruction, return and/or redistribution of controlled substances listed in Schedules II through V of Chapter 47 of Title 16 of the Delaware Code shall comply with the Code of Federal Regulations, Title 21, Parts 1300-1399. Security measures and disposal of controlled substances collected shall be established, monitored, and maintained by the Office of Controlled Substances and the Drug Enforcement Administration (DEA). No pharmaceutical manufacturer shall be subject to criminal prosecution or liability in tort or other civil action for injury, death, or loss to person or property for matters related to the donation, collection, redistribution, or dispensing of drugs manufactured by the drug manufacturer that are redistributed by any person under the program, including but not limited to liability for failure to transfer or communicate product or consumer information or the expiration date of the redistributed drug. Law enforcement officers, as defined in § 9200, Title 11 of the Delaware Code, may perform drug disposals in compliance with the Uniform Controlled Substance Act and guidelines of the DEA.".

SYNOPSIS

This bill grants the Board of Pharmacy authority to establish standards and procedures for the collection, destruction, return and redistribution of previously dispensed medications. The drug collection program must comply with all applicable local, state, and federal laws and regulations, and shall be done under a licensed health care professional's supervision. In addition, the DEA and the Office of Controlled Substances shall implement security measures. Pharmaceutical manufacturers receive immunity for matters related to the program.

HD : SLT : TEH
1031460131
Released: 06/22/2011 09:34 AM