SPONSOR: Rep. Spiegelman & Sen. Lavelle

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 218

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PRESCRIPTIONS.

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

Section 1. Amend § 4739, Title 16 of the Delaware Code by making insertions as shown by underlining as follows:

§ 4739. Prescriptions.

(a) Except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner.

(b) In emergency situations, as defined by rule of the Secretary, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of § 4737. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, a controlled substance included in Schedule III or IV which is a prescription drug shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed by the practitioner.

(d) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

(e) No controlled substance may be dispensed to a person other than the ultimate user unless said person is expressly authorized by the ultimate user or the ultimate user's practitioner to receive the prescription on the ultimate user's behalf, except that where the ultimate user is under the age of eighteen (18), the minor ultimate user's parent, custodian, or guardian may receive the controlled substance on the minor ultimate user's behalf.

Section 2. This Act shall become effective on January 1, 2014.

SYNOPSIS

This Bill requires written authorization from a patient for any person to pick up a prescription on a patient's behalf. Currently, a pharmacy is only required to obtain and keep on file valid photographic identification for the person picking up the prescription; there is no requirement that a pharmacy obtain written authorization from the patient before releasing a prescription to another person on the patient's behalf.

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Released: 06/30/2013 05:10 PM