SPONSOR: Rep. Spiegelman & Sen. Lavelle

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

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 of Title 16 of the Delaware Code by making insertions as shown by underline 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) An ultimate user shall be permitted to prohibit or limit a person other than the ultimate user from receiving a prescription on the ultimate user's behalf from a pharmacy.

Section 2. The Department of State shall promulgate such rules, regulations, and standards as are necessary to further the objectives and provisions of this Act.

Section 3. This Act takes effect upon its enactment into law and shall be applicable to all pharmacies on or after January 1 following its taking effect.

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SYNOPSIS

This Bill requires that person be afforded an option to prohibit or limit another person from receiving a prescription from a pharmacy on his or her behalf. The Department of State is tasked with establishing any rules and regulations necessary to ensure that a person be afforded this option. All pharmacies would be required to provide this option beginning on January 1st.