

CHAPTER 161  
FORMERLY  
SENATE BILL NO. 178

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING  
TO CRIMES AND CRIMINAL PROCEDURE.

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

Section 1. Amend Subchapter III, Title 11 of the Delaware Code by adding a new § 841C to state as follows:

“§ 841C. Possession or Theft of a Prescription Form or a Pad.

(a) A person in possession of a blank prescription form or pad who is not a practitioner as defined in this section shall be guilty of a Class G Felony. “Possession” in addition to its ordinary meaning, includes location on or about the defendant’s person, premises, belongings, vehicle or otherwise within the defendant’s reasonable control.

(b) A person is guilty of theft of a blank prescription form or pad when the person is not a practitioner as defined in this section and takes, exercises control over, obtains or receives, produces or reproduces any facsimile or counterfeit version of, or transfers, uses, gives, or sells any copies, facsimiles or counterfeit versions, a prescription form or pad of a practitioner with the intent to deprive the practitioner of the use thereof or to facilitate the commission of drug diversion.

(1) A ‘Practitioner’ means:

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or non-controlled substance in the course of professional practice or research in this State.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled or non-controlled substance in the course of professional practice or research in this State.

(2) Theft of a blank prescription form or pad is a Class F Felony.”

Approved July 13, 2009