

Senate Bill 194

By: Senators Jeffares of the 17th, Millar of the 40th, Watson of the 1st, Burke of the 11th, Mullis of the 53rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
2 pharmacists and pharmacies, so as to revise the definition of "practitioner"; to provide that
3 certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility
4 engaged solely in the distribution of dialysate drugs, or devices necessary to perform home
5 kidney dialysis to patients with end stage renal disease, provided that certain criteria are met;
6 to authorize certain refills by pharmacists of topical ophthalmic products under certain
7 conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
11 pharmacies, is amended by revising paragraph (33) of Code Section 26-4-5, relating to
12 definitions, as follows:

13 "(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist,
14 podiatrist, optometrist, or veterinarian and shall include any other person licensed under
15 the laws of this state to use, mix, prepare, dispense, prescribe, and administer drugs in
16 connection with medical treatment to the extent provided by the laws of this state."

17 **SECTION 2.**

18 Said chapter is further amended by adding a new Code section to read as follows:

19 "26-4-6.

20 The provisions of this chapter shall not apply to a facility engaged solely in the distribution
21 of dialysate drugs, or devices necessary to perform home kidney dialysis to patients with
22 end stage renal disease, provided that the following criteria are met:

23 (1) The dialysate drugs, or devices are approved or cleared by the federal Food and Drug
24 Administration as required by federal law;

25 (2) The dialysate drugs, or devices are lawfully held by a manufacturer or manufacturer's
 26 agent that is properly registered with the board as a manufacturer or wholesale
 27 distributor;

28 (3) The dialysate drugs, or devices are held and delivered in their original, sealed
 29 packaging from the manufacturing facility;

30 (4) The dialysate drugs, or devices are delivered only by the manufacturer or the
 31 manufacturer's agent and only upon receipt of a physician's order; and

32 (5) The manufacturer or manufacturer's agent delivers the dialysate drugs, or devices
 33 directly to:

34 (A) A patient with end stage renal disease or such patient's designee for the patient's
 35 self-administration of the dialysis therapy; or

36 (B) A health care provider or institution for administration or delivery of the dialysis
 37 therapy to a patient with end stage renal disease."

38 **SECTION 3.**

39 Said chapter is further amended by revising subsection (f) of Code Section 26-4-80, relating
 40 to dispensing prescription drugs, as follows:

41 "(f)(1) When filling a prescription or refilling a prescription which may be refilled, the
 42 pharmacist shall exercise professional judgment in the matter. No prescription shall be
 43 filled or refilled with greater frequency than the approximate interval of time that the
 44 dosage regimen ordered by the ~~prescriber~~ practitioner would indicate, unless extenuating
 45 circumstances are documented which would justify a shorter interval of time before the
 46 filling or refilling of the prescription.

47 (2) Notwithstanding paragraph (1) of this subsection, in order to prevent unintended
 48 interruptions in drug therapy for topical ophthalmic products:

49 (A) A pharmacist shall be authorized, without obtaining subsequent authorization from
 50 the practitioner or obtaining a new prescription from the practitioner, to permit refills
 51 at 70 percent of the predicted days of use; and

52 (B) At the patient's request, a practitioner shall be permitted to authorize refills earlier
 53 than 70 percent of the predicted days of use.

54 This paragraph shall apply to refills purchased through retail pharmacies and mail order
 55 sources."

56 **SECTION 4.**

57 All laws and parts of laws in conflict with this Act are repealed.