

## Senate Bill 46

By: Senators Burke of the 11th, Watson of the 1st, Hatchett of the 50th, Miller of the 49th, Kirkpatrick of the 32nd and others

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 4 of Title 25 and Title 31 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to firefighter standards and training and health,  
3 respectively, so as to provide for licensure and certification of emergency medical services  
4 personnel, paramedics, and cardiac technicians previously convicted of a felony; to require  
5 random drug tests for certain firefighters, emergency medical services personnel, paramedics,  
6 and cardiac technicians; to authorize the Department of Public Health to release deidentified  
7 data from the Low THC Oil Patient Registry to government entities and other entities for  
8 research and other purposes; to authorize certain medical personnel to administer vaccines  
9 during public health emergencies under certain conditions; to provide for vaccination  
10 information to third parties under certain public health conditions; to amend Code Section  
11 42-5-57 of the Official Code of Georgia Annotated, relating to institution of rehabilitation  
12 programs and provision of opportunities for educational, religious, and recreational activities,  
13 so as to provide for training for firefighters, emergency medical services personnel,  
14 paramedics, and cardiac technicians in institutions under the control of the Department of  
15 Corrections; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia  
16 Annotated, relating to medical practice, so as to revise certain provisions relating to the  
17 administration of vaccines under vaccine protocol agreements; to provide for related matters;  
18 to provide for an effective date; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to general  
22 provisions relative to firefighter standards and training, is amended in Code Section 25-4-8,  
23 relating to qualifications of firefighters generally, by revising subsection (a) as follows:

24 "(a) Except as provided in Code Section 25-4-12, any employee, volunteer, or private  
25 contractor of a fire department operating in this state or certified as a firefighter shall, as  
26 prescribed by the council:

27 (1) Be at least 18 years of age;

28 (2) Not have been convicted of, or pleaded guilty to, a felony in any jurisdiction or of a  
29 crime which if committed in this state would constitute a felony under the laws of this  
30 state within ten years prior to employment, provided that a person who has been  
31 convicted of a felony more than five but less than ten years prior to employment may be  
32 certified and employed as a firefighter when the person has:

33 (A) Successfully completed a training program following the Georgia Fire Academy  
34 curriculum and sponsored by the Department of Corrections pursuant to Code  
35 Section 42-5-57;

36 (B) Been recommended to a fire department by the proper authorities at the institution  
37 at which the training program was undertaken; and

38 (C) Met all other requirements as set forth in this chapter.

39 The council shall be the final authority with respect to authorizing the employment,  
40 appointment, and certification of a person who has been convicted of a felony more than  
41 five but less than ten years prior to seeking employment when the person is seeking  
42 employment as a firefighter for any municipal, county, or state fire department which  
43 employs three or more firefighters who work a minimum of 40 hours per week and has  
44 the responsibility of preventing and suppressing fires, protecting life and property, and

- 45 enforcing municipal, county, and state codes, as well as enforcing any law pertaining to  
46 the prevention and control of fires;
- 47 (3) Have a good moral character as determined by investigation under procedure  
48 approved by the council;
- 49 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to  
50 disclose any criminal record;
- 51 (5) Be in good physical condition as determined by a medical examination and  
52 successfully pass the minimum physical agility requirements as established by the  
53 council; and
- 54 (6) Possess or achieve within 12 months after employment a high school diploma or a  
55 general education development equivalency, provided that the council may by rule or  
56 regulation prescribe for the waiver of such requirement."

57 **SECTION 2.**

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

59 "25-4-11.1.

60 (a) All firefighters qualified based upon successful completion of training set forth in  
61 subparagraph (a)(2)(A) of Code Section 25-4-8 shall be subject to random testing for  
62 evidence of use of illegal drugs. Such testing shall occur at least biannually for the first  
63 two years of licensure or certification. Such testing shall be noninvasive and may be  
64 conducted at any time during the calendar year, and the cost of all such testing shall be  
65 borne by the employer. If the drug test shows the presence of drugs in the firefighter's  
66 system, the results of the test will be confirmed with an alternative method by using the  
67 same urine sample.

68 (b) The council shall adopt rules and regulations for purposes of testing and retesting for  
69 illegal drugs, including:

70 (1) Which illegal drugs will be the subject of testing;

- 71 (2) Methods for ensuring minimal privacy intrusions during collection of body fluid  
 72 specimens for such testing;  
 73 (3) Methods for ensuring proper storage, transportation, and handling of such specimens  
 74 in order to maintain the integrity of the testing process;  
 75 (4) Which persons should be entitled to the results of such tests and which methods  
 76 should be used for ensuring that only authorized persons are given access to such results;  
 77 (5) A list of laboratories qualified to conduct established drug tests; and  
 78 (6) Procedures through which firefighters, prior to the collection of body fluid specimens  
 79 for such testing, may provide information to their employers regarding use of any drug  
 80 pursuant to a medical prescription or, as otherwise authorized by law, any substance  
 81 which could affect the results of such test.  
 82 (c) Any rules or regulations adopted pursuant to this Code section shall be in compliance  
 83 with Parts 40 and 382 of Title 49 of the Code of Federal Regulations."

84

**SECTION 2A.**

85 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the Low THC  
 86 Oil Patient Registry, is amended by revising subsection (f) as follows:

87 "(f) Information received and records kept by the department for purposes of administering  
 88 this Code section shall be confidential; provided, however, that such information shall be  
 89 disclosed, subject to the provisions of the federal Health Insurance Portability and  
 90 Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

91 (1) Upon written request of an individual or caregiver registered pursuant to this Code  
 92 section for information related to the individual or his or her caregiver; and

93 (2) To peace officers and prosecuting attorneys for the purpose of:

94 (A) Verifying that an individual in possession of a registration card is registered  
 95 pursuant to this Code section; or

96 (B) Determining that an individual in possession of low THC oil is registered pursuant  
97 to this Code section; and  
98 (3) To government entities and other entities for statistical, research, educational,  
99 instructional, drug abuse prevention, or grant application purposes after removing all  
100 personal identifiers from the health information and removing all information that could  
101 be used to identify prescribers."

102 **SECTION 3.**

103 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
104 Code Section 31-11-51, relating to certification and recertification of emergency medical  
105 technicians, rules and regulations, and use of conviction data in licensing decisions, as  
106 follows:

107 "31-11-51.

108 (a) As used in this Code section, the term 'conviction data' means a record of a finding or  
109 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,  
110 regardless of whether an appeal of the conviction has been sought.

111 (b) ~~The~~ Except as otherwise provided for in this chapter, the board shall, by regulation,  
112 authorize the department to establish procedures and standards for the licensing of  
113 emergency medical services personnel. The department shall succeed to all rules and  
114 regulations, policies, procedures, and administrative orders of the composite board which  
115 were in effect on December 31, 2001, and which relate to the functions transferred to the  
116 department by this chapter. Such rules, regulations, policies, procedures, and  
117 administrative orders shall remain in effect until amended, repealed, superseded, or  
118 nullified by proper authority or as otherwise provided by law.

119 (c) In reviewing applicants for initial licensure of emergency medical services personnel,  
120 the department shall be authorized pursuant to this Code section to obtain conviction data

121 with respect to such applicants for the purposes of determining the suitability of the  
122 applicant for licensure.

123 (d) The department shall by rule or regulation, consistent with the requirements of this  
124 subsection, establish a procedure for requesting a fingerprint based criminal history records  
125 check from the center and the Federal Bureau of Investigation. Fingerprints shall be in  
126 such form and of such quality as prescribed by the center and under standards adopted by  
127 the Federal Bureau of Investigation. Fees may be charged as necessary to cover the cost  
128 of the records search. An applicant may request that a criminal history records check be  
129 conducted by a state or local law enforcement agency or by a private vendor approved by  
130 the department. Fees for criminal history records checks shall be paid by the applicant to  
131 the entity processing the request at the time such request is made. The state or local law  
132 enforcement agency or private vendor shall remit payment to the center in such amount as  
133 required by the center for conducting a criminal history records check. The department  
134 shall accept a criminal history records check whether such request is made through a state  
135 or local law enforcement agency or through a private vendor approved by the department.  
136 Upon receipt of an authorized request, the center shall promptly cause such criminal  
137 records search to be conducted. The center shall notify the department in writing of any  
138 finding of disqualifying information, including, but not limited to, any conviction data  
139 regarding the fingerprint records check, or if there is no such finding.

140 (e) An applicant with conviction data which indicates a conviction of a felony more than  
141 five but less than ten years prior to application shall not be disqualified for licensure,  
142 provided that such applicant has:

143 (1) Successfully completed a training program approved by the department and  
144 sponsored by the Department of Corrections pursuant to Code Section 42-5-57; and

145 (2) Met all other requirements as set forth in this chapter.

146 (f) Conviction data received by the department or a state or local law enforcement agency  
147 shall be privileged and shall not be a public record or disclosed to any person. Conviction

148 data shall be maintained by the department and the state or local law enforcement pursuant  
149 to laws regarding such records and the rules and regulations of the center and the Federal  
150 Bureau of Investigation. Penalties for the unauthorized release or disclosure of conviction  
151 data shall be as prescribed by law or rule or regulation of the center or Federal Bureau of  
152 Investigation.

153 ~~(f)~~(g) The center, the department, or any law enforcement agency, or the employees of any  
154 such entities, shall neither be responsible for the accuracy of information provided pursuant  
155 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any  
156 other claim relating to or arising from the dissemination of information pursuant to this  
157 Code section."

158

#### SECTION 4.

159 Said title is further amended by revising Code Section 31-11-52, relating to certification and  
160 recertification of, and training for, paramedics and cardiac technicians, as follows:

161 "31-11-52.

162 (a) The department shall establish procedures and standards for certifying and recertifying  
163 paramedics and cardiac technicians. An applicant for initial certification as a paramedic  
164 or a cardiac technician must:

165 (1) Submit a completed application on a form to be prescribed by the department, which  
166 shall include evidence that the applicant is 18 years of age or older and is of good moral  
167 character;

168 (2) Submit from the department a notarized statement that the applicant has completed  
169 a training course approved by the department;

170 (3) Submit to the department a fee as set forth in the regulations of the department; and

171 (4) Meet such other requirements as are set forth in the rules and regulations of the  
172 department.

173 (b) The department shall also adopt procedures and standards for its approval of paramedic  
174 training courses and cardiac technician training courses. The department shall adopt such  
175 regulations after consultation with appropriate public and private agencies and  
176 organizations concerned with medical education and the practice of medicine. Procedures  
177 and standards adopted by the department shall be consistent with the purposes and  
178 provisions of this chapter.

179 (c) An applicant convicted of a felony more than five but less than ten years prior to  
180 application shall not be disqualified for certification, provided that such applicant has:

181 (1) Successfully completed a training program approved by the department and  
182 sponsored by the Department of Corrections pursuant to Code Section 42-5-57; and

183 (2) Met all other requirements as set forth in this chapter."

184

#### SECTION 5.

185 Said title is further amended by revising Code Section 31-11-53, relating to services which  
186 may be rendered by certified emergency medical technicians and trainees, as follows:

187 "31-11-53.

188 (a) Upon certification by the department, emergency medical technicians may do any of  
189 the following:

190 (1) Render first-aid and resuscitation services as taught in the United States Department  
191 of Transportation basic training courses for emergency medical technicians or an  
192 equivalent course approved by the department; ~~and~~

193 (2) Upon the order of a duly licensed physician, administer approved intravenous  
194 solutions and opioid antagonists; and

195 (3) Upon the order of a duly licensed physician during a public health emergency, as  
196 defined in Code Section 31-12-1.1, administer vaccines.



197 (b) While in training preparatory to becoming certified, emergency medical technician  
198 trainees may perform any of the functions specified in this Code section under the direct  
199 supervision of a duly licensed physician or a registered nurse."

200

**SECTION 6.**

201 Said title is further amended by revising Code Section 31-11-55, relating to services which  
202 may be rendered by certified cardiac technicians and trainees, as follows:

203 "31-11-55.

204 (a) Upon certification by the department, cardiac technicians may do any of the following:

205 (1) Render first-aid and resuscitation services;

206 (2) Upon the order of a duly licensed physician and as recommended by the Georgia  
207 Emergency Medical Services Advisory Council and approved by the department:

208 (A) Perform cardiopulmonary resuscitation and defibrillation in a hemodynamically  
209 unstable patient;

210 (B) Administer approved intravenous solutions;

211 (C) Administer parenteral injections of antiarrhythmic agents, vagolytic agents,  
212 chronotropic agents, alkalizing agents, analgesic agents, and vasopressor agents or  
213 administer opioid antagonists; ~~and~~

214 (D) Perform pulmonary ventilation by esophageal airway and endotracheal intubation;  
215 and

216 (E) Upon the order of a duly licensed physician during a public health emergency, as  
217 defined in Code Section 31-12-1.1, administer vaccines.

218 (b) While in training preparatory to becoming certified, cardiac technician trainees may  
219 perform any of the functions specified in this Code section under the direct supervision of  
220 a duly licensed physician or a registered nurse."

**SECTION 7.**

221

222 Said title is further amended by adding a new Code section to read as follows:

223 "31-11-60.2.

224 (a) All persons licensed or certified based upon successful completion of training set forth  
225 in paragraph (1) of subsection (e) of Code Section 31-11-51 or paragraph (1) of  
226 subsection (c) of Code Section 31-11-52 shall be subject to random testing for evidence of  
227 use of illegal drugs. Such testing shall occur at least biannually for the first two years of  
228 licensure or certification. Such testing shall be noninvasive and may be conducted at any  
229 time during the calendar year, and the cost of all such testing shall be borne by the  
230 employer. If the drug test shows the presence of drugs in the employee's system, the results  
231 of the test will be confirmed with an alternative method by using the same urine sample.

232 (b) The department shall adopt rules and regulations to establish for purposes of testing  
233 and retesting for illegal drugs:

234 (1) Which illegal drugs will be the subject of testing;

235 (2) Methods for ensuring minimal privacy intrusions during collection of body fluid  
236 specimens for such testing;

237 (3) Methods for ensuring proper storage, transportation, and handling of such specimens  
238 in order to maintain the integrity of the testing process;

239 (4) Which persons should be entitled to the results of such tests and which methods  
240 should be used for ensuring that only authorized persons are given access to such results;

241 (5) A list of laboratories qualified to conduct established drug tests; and

242 (6) Procedures through which emergency medical services personnel, paramedics, or  
243 cardiac technicians, prior to the collection of body fluid specimens for such testing, may  
244 provide information to their employers regarding use of any drug pursuant to a medical  
245 prescription or, as otherwise authorized by law, any substance which could affect the  
246 results of such test.

247 (c) Any rules or regulations adopted pursuant to this Code section shall be in compliance  
 248 with Parts 40 and 382 of Title 49 of the Code of Federal Regulations."

249 **SECTION 8.**

250 Said title is further amended in Code Section 31-12-3.1, relating to establishment and  
 251 maintenance of state-wide vaccination registry for children under age 18, by revising  
 252 subsection (e) as follows:

253 "(e)(1) Unless such person has opted out pursuant to paragraph (2) of this subsection,  
 254 individually ~~Individually~~ identifiable vaccination information regarding a person may be  
 255 provided to the department by, or released by the department to, a:

256 (A) A local health department, hospital, physician, or other provider of medical  
 257 services to the person; or to

258 (B) A school or child care facility in which the person is enrolled if the person is 18  
 259 years of age or younger; or

260 (C) The United States Department of Health and Human Services and its subsidiaries  
 261 through a data use agreement, for the limited purpose of reporting vaccines  
 262 administered in response to a public health emergency declared pursuant to Code  
 263 Section 38-3-51, for the purpose of averting a serious and imminent threat to life and  
 264 safety, so long as the United States Department of Health and Human Services and its  
 265 subsidiaries adhere to state and federal privacy laws and so long as a person's name is  
 266 not provided by the department

267 without the consent of the person or the person's parents or guardians.

268 (2) Any person or person's parent or guardian if the person is 18 years of age or younger  
 269 may request an exemption from enrollment in the state-wide vaccine registry. All persons  
 270 shall be enrolled unless a specific exemption is requested by the person or the person's  
 271 parent or guardian if the person is 18 years of age or younger. A parent or guardian may  
 272 obtain and upon request to the department shall be provided with all individually

273 identifiable vaccination registry information regarding his or her child or ward. Except as  
274 provided otherwise by this Code section, individually identifiable vaccination registry  
275 information shall be treated as confidential and shall not be released to a third party without  
276 consent of the person or the person's parent or guardian if the person is 18 years of age or  
277 younger."

278 **SECTION 9.**

279 Code Section 42-5-57 of the Official Code of Georgia Annotated, relating to institution of  
280 rehabilitation programs and provision of opportunities for educational, religious, and  
281 recreational activities, is amended as follows:

282 "42-5-57.

283 (a) The board, acting alone or in cooperation with the Department of Education, the Board  
284 of Regents of the University System of Georgia, or the several state, local, and federal  
285 agencies concerned therewith shall be authorized to institute a program of rehabilitation,  
286 which may include academic, industrial, mechanical, agricultural, and vocational training,  
287 within the confines of a penal institution.

288 (b) The board, acting alone or in cooperation with the Georgia Firefighter Standards and  
289 Training Council, shall be authorized to institute a program of rehabilitation which includes  
290 training following the Georgia Fire Academy curriculum within the confines of a penal  
291 institution.

292 (c) The board, acting alone or in cooperation with the Department of Public Health, shall  
293 be authorized to institute a program of rehabilitation which includes training for emergency  
294 medical services personnel as such term is defined in Code Section 31-11-49 within the  
295 confines of a penal institution.

296 ~~(b)~~(d) The department, in institutions under its control and supervision, shall give the  
297 inmates opportunity for reasonable educational, religious, and recreational activities where  
298 practicable."

299

**SECTION 10.**

300 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
301 medical practice, is amended by revising Code Section 43-34-26.1, relating to vaccine  
302 protocol agreements, as follows:

303 "43-34-26.1.

304 (a) As used in this Code section, the term:

305 (1) 'Administer' means the provision of a unit dose of vaccine by a pharmacist or nurse  
306 pursuant to a vaccine order contained in a vaccine protocol agreement with a physician.

307 (2) 'Adverse event' means an event that is a negative consequence of the administration  
308 of vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or  
309 illness, which may or may not have been preventable.

310 (3) 'Board' means the Georgia Composite Medical Board.

311 (4) 'Georgia Registry of Immunization Transactions and Services' or 'vaccination  
312 registry' means the vaccination registry established by Department of Public Health  
313 pursuant to Code Section 31-12-3.1.

314 ~~(4)~~(5) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code  
315 Section 43-26-3. The term shall also mean a licensed practical nurse as defined in  
316 paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician  
317 engaged in the active practice of medicine.

318 ~~(5)~~(6) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage  
319 in the practice of pharmacy in the State of Georgia.

320 ~~(6)~~(7) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code  
321 Section 26-4-5.

322 ~~(7)~~(8) 'Physician' means an individual licensed to practice medicine and surgery pursuant  
323 to this article and whose principal place of practice is located in this state.

324 ~~(8)(9) 'Vaccine' means: a specially prepared antigen which upon administration to a~~  
325 ~~person will result in immunity to influenza, pneumococcal disease, shingles, or~~  
326 ~~meningitis.~~

327 (A) A vaccine that is included on the adult immunization schedule recommended by  
328 the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for  
329 Disease Control and Prevention administered to an individual 18 years of age or older;

330 (B) An influenza vaccine administered to an individual 13 years of age or older; and

331 (C) Any vaccine administered to an individual 13 years of age or older for an illness  
332 that has resulted in a public health emergency, as defined in Code Section 31-12-1.1.

333 ~~No live attenuated virus shall be administered pursuant to this Code section unless the~~  
334 ~~patient or his or her parent, if a minor, has signed an informed consent that he or she does~~  
335 ~~not have a contraindication to this vaccine. The informed consent form shall list the~~  
336 ~~contraindications to the vaccine.~~

337 ~~(9)(10) 'Vaccine order' means a prescription drug order, contained in a vaccine protocol~~  
338 ~~agreement, for a vaccine issued by a physician for a group of patients who meet certain~~  
339 ~~criteria and to be administered by a pharmacist or a nurse. A vaccine order shall also~~  
340 ~~mean a prescription drug order, contained in a vaccine protocol agreement, for~~  
341 ~~epinephrine issued by a physician for a group of patients who meet certain criteria and~~  
342 ~~to be administered by a pharmacist or a nurse only upon the occurrence of an actual or~~  
343 ~~perceived anaphylactic adverse reaction to the administered vaccine provided that the~~  
344 ~~vaccine protocol agreement sets forth the signs and symptoms that warrant the~~  
345 ~~administration of epinephrine.~~

346 ~~(10)(11) 'Vaccine protocol agreement' means a written document mutually agreed upon~~  
347 ~~and signed by a physician and a pharmacist or by a physician and a nurse, by which~~  
348 ~~document the physician prescribes a vaccine and epinephrine, if determined appropriate~~  
349 ~~by the physician, by means of a vaccine order for administration by a pharmacist or a~~  
350 ~~nurse.~~

351 (b) A physician engaged in the active practice of medicine may prescribe a vaccine for a  
352 group of patients via a vaccine order contained in a vaccine protocol agreement to be  
353 administered by a pharmacist, provided the physician resides in Georgia and is registered  
354 with the ~~vaccination registry established by the Department of Public Health pursuant to~~  
355 ~~Code Section 31-12-3.1, commonly known as the~~ Georgia Registry of Immunization  
356 Transactions and Services; the pharmacist holds current certification in Basic Cardiac Life  
357 Support and has completed a course of training accredited by the Accreditation Council for  
358 Pharmacy Education or similar health authority or professional body approved by the  
359 Georgia State Board of Pharmacy; and the pharmacist completes a training program  
360 recognized by the federal Centers for Disease Control and Prevention in the basics of  
361 immunology which focuses on practice implementation and legal and regulatory issues,  
362 composed of: (1) at least 12 hours of self-study and an assessment exam; (2) at least eight  
363 hours of live seminar with a final exam; and (3) a hands-on assessment of intramuscular  
364 and subcutaneous injection technique. A physician who is a party to a vaccine protocol  
365 agreement may also prescribe epinephrine via a vaccine order contained in a vaccine  
366 protocol agreement for administration by a pharmacist upon the occurrence of an actual or  
367 perceived anaphylactic adverse reaction to the administered vaccine, provided that the  
368 vaccine protocol agreement sets forth the signs and symptoms that warrant the  
369 administration of epinephrine.

370 (c) A physician engaged in the active practice of medicine may prescribe a vaccine for a  
371 group of patients via a vaccine order contained in a vaccine protocol agreement to be  
372 administered by a nurse, provided the physician is registered with the ~~vaccination registry~~  
373 ~~established by the Department of Public Health pursuant to Code Section 31-12-3.1,~~  
374 ~~commonly known as the~~ Georgia Registry of Immunization Transactions and Services, the  
375 nurse is located within the county of the physician's place of registration with the  
376 vaccination registry or a county contiguous thereto, and the nurse holds current certification  
377 in Basic Cardiac Life Support. A physician who is a party to a vaccine protocol agreement

378 may also prescribe epinephrine via a vaccine order contained in a vaccine protocol  
379 agreement for administration by a nurse upon the occurrence of an actual or perceived  
380 anaphylactic adverse reaction to the administered vaccine provided that the vaccine  
381 protocol agreement sets forth the signs and symptoms that warrant the administration of  
382 epinephrine.

383 (d) A vaccine protocol agreement between a physician and a pharmacist or a physician and  
384 a nurse pursuant to this Code section shall, without limitation:

385 (1) Contain the current names, addresses, telephone numbers, and professional license  
386 numbers of the physician and the pharmacist or nurse;

387 (2) Contain a provision for immediate consultation between the pharmacist or nurse and  
388 the physician. If the physician is not available, the physician for purposes of consultation  
389 may designate another physician who concurs with the terms of the vaccine protocol  
390 agreement;

391 (3) Require the pharmacist or nurse to take an appropriate case history and determine  
392 whether the patient has had a physical examination within the past year and shall not  
393 administer a vaccine to a patient with any condition for which such vaccine is  
394 contraindicated;

395 (4) Require the pharmacist or nurse to provide the vaccine recipient with the appropriate  
396 and current Vaccine Information Statement as provided by the federal Centers for Disease  
397 Control and Prevention;

398 (5) Require the pharmacist or nurse to provide written information to the vaccine  
399 recipient to be developed by the Department of Public Health on the importance of  
400 having and periodically seeing a primary care physician;

401 ~~(6) Require the pharmacist or nurse to provide each new vaccine recipient with a~~  
402 ~~personal immunization card on card stock paper containing the vaccine recipient's name,~~  
403 ~~the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine,~~  
404 ~~the location of injection on the vaccine recipient, and the date of the administration of the~~



405 ~~vaccine in legible writing or printed type in a format made available by the Department~~  
406 ~~of Public Health. The patient shall produce such card when he or she has subsequent~~  
407 ~~vaccines and the pharmacist or nurse shall update such card, unless the patient does not~~  
408 ~~have such card, in which case, a new card shall be provided. The written information~~  
409 ~~required pursuant to paragraph (5) of this subsection may be included on the card~~  
410 ~~provided pursuant to this paragraph;~~

411 ~~(7)~~(6) Require the pharmacist or nurse or his or her employer to retain documentation  
412 of each dose of vaccine administered. Such documentation shall include, but not be  
413 limited to:

414 (A) The administering pharmacist's or nurse's name, address, telephone number, and  
415 professional license number;

416 (B) The name, dose, manufacturer, and lot number of the vaccine;

417 (C) The vaccine recipient's name, address, date of birth, and telephone number;

418 (D) The date of administration and injection site;

419 (E) A signed and dated consent form by which the vaccine recipient acknowledges  
420 receipt of the Vaccine Information Statement, consents to the administration of the  
421 vaccine, and authorizes the pharmacy or nurse to notify the vaccine recipient's primary  
422 care provider of the vaccine administered to the vaccine recipient; and

423 (F) Any adverse events or complications that occur;

424 ~~(8)~~(7) Require the pharmacist or nurse to make documented reasonable efforts to obtain  
425 the name of the vaccine recipient's primary care provider and to notify such primary care  
426 provider of the vaccine administered by the pharmacist or nurse within 72 hours of  
427 administration;

428 ~~(9)~~(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private  
429 room, area with a privacy screen, or other interior area in which the patient's privacy can  
430 be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient  
431 in a manner that is designed so that the patient can be served while remaining in his or

432 her personal vehicle. This paragraph shall not apply to mass immunizations in the event  
433 of a public health emergency, as defined in Code Section 31-12-1.1, or for purposes of  
434 training in which vaccinations are administered to large groups of people at one or more  
435 locations in a short interval of time;

436 ~~(10)~~(9) Require the pharmacist, ~~or nurse, or his or her designee to check the Georgia~~  
437 Registry of Immunization Transactions and Services prior to administration of the  
438 vaccine and to enter the patient's vaccine information in the Georgia Registry of  
439 Immunization Transactions and Services within the vaccination registry's designated time  
440 frame, or as designated by the Department of Public Health; provided, however, that a  
441 pharmacist, nurse, or his or her designee shall not be required to check the Georgia  
442 Registry of Immunization Transactions and Services during:

443 (A) A public health emergency, as defined in Code Section 31-12-1.1, for any vaccine  
444 administered to address the cause of the threat of an illness or health condition or the  
445 infectious agent or biological toxin which resulted in such public health emergency; or

446 (B) A vaccination event for influenza that is anticipated to serve 75 or more patients.

447 The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions  
448 in accordance with subsection (r) of this Code section on any person subject to the  
449 requirements of this paragraph who does not submit the information required by this  
450 paragraph and to notify the delegating physician and the applicable licensing board for  
451 such person of violations of this paragraph;

452 ~~(11)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient  
453 to remain under the observation of ~~the administering~~ a pharmacist or nurse for a period  
454 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

455 ~~(12)~~(11) Contain procedures to follow up on the occurrence of an adverse event or  
456 complication including, if prescribed via a vaccine order contained in a vaccine protocol  
457 agreement, the administration of epinephrine;

- 458 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a  
459 vaccine is limited;
- 460 ~~(14)~~(13) Require the pharmacist or nurse to maintain individual liability insurance  
461 coverage or be individually covered by his or her employer's liability insurance coverage  
462 in an amount not less than \$250,000.00 to cover claims arising from administration of  
463 vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to  
464 provide proof of such coverage to the physician for submission to the board with the  
465 vaccine protocol agreement. The pharmacist or nurse shall also retain a copy of the proof  
466 of insurance coverage, including the name of the insurer and policy number, onsite at his  
467 or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon  
468 request;
- 469 ~~(15)~~(14) Require the pharmacist or nurse to post proof of the vaccine protocol  
470 agreement, including a list of the vaccines authorized by such protocol, in a conspicuous  
471 location within the pharmacy, ~~local health department~~, or other setting in which the  
472 vaccine is being administered;
- 473 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to  
474 the physician attesting to the following:
- 475 (A) Compliance with paragraph ~~(14)~~ (13) of this subsection regarding maintenance of  
476 liability insurance;
- 477 (B) Verification that the pharmacist or nurse holds current certification in Basic  
478 Cardiac Life Support as required by subsections (b) and (c) of this Code section and,  
479 for pharmacists, verification of completion of immunology training as required by  
480 subsection (b) of this Code section;
- 481 (C) The pharmacist or nurse has a copy of the vaccine protocol agreement and agrees  
482 to comply with its requirements; and
- 483 (D) Identification of the pharmacist's or nurse's location or locations in which he or she  
484 will be administering vaccinations pursuant to the vaccine protocol agreement.

485 The pharmacist or nurse shall keep a copy of the affidavit onsite at his or her primary  
486 location for inspection by the Georgia Drugs and Narcotics Agency, upon request. The  
487 Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in  
488 accordance with subsection (r) of this Code section on any person subject to the  
489 requirements of this paragraph who does not submit the information required by this  
490 paragraph and to notify the delegating physician and the applicable licensing board for  
491 such person of violations of this paragraph; and

492 ~~(17)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician  
493 and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially  
494 shall expire.

495 (e) A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code  
496 section shall not delegate the administration of a vaccine to any individual other than a  
497 pharmacy intern under the direct supervision of the pharmacist whether or not any such  
498 other individual is under the supervision, direct or otherwise, of the pharmacist.

499 (f) A nurse who is a party to a vaccine protocol agreement pursuant to this Code section  
500 shall not delegate the administration of a vaccine to any individual, whether or not any such  
501 individual is under the supervision, direct or otherwise, of the nurse; provided, however,  
502 that notwithstanding the requirement of employment by a physician in paragraph ~~(4)~~ (5)  
503 of subsection (a) of this Code section, a registered professional nurse who is a party to a  
504 vaccine protocol agreement pursuant to this Code section may delegate the administration  
505 of a vaccine to a licensed practical nurse under the direct on-site supervision of the  
506 registered professional nurse.

507 (g) Notwithstanding any law to the contrary, a nurse acting pursuant to a vaccine protocol  
508 agreement as provided in this Code section may possess and transport such vaccine and  
509 epinephrine.

510 (h) A pharmacist or nurse administering vaccines pursuant to a vaccine protocol agreement  
511 authorized by this Code section shall maintain policies and procedures for the handling and  
512 disposal of used or contaminated equipment and supplies.

513 (i) Nothing in this Code section shall be construed to authorize a physician to prescribe  
514 any other vaccines or other drugs pursuant to a vaccine protocol agreement or vaccine  
515 order contained in a vaccine protocol agreement other than those vaccines and epinephrine  
516 specifically authorized in such vaccine protocol agreement or vaccine order.

517 (j) A delegating physician may not enter into a vaccine protocol agreement with more than  
518 ten pharmacists or nurses, or any combination thereof, at any one time; provided, however,  
519 and notwithstanding the geographic limitation provided in subsection (c) of this Code  
520 section, a delegating physician may enter into a vaccine protocol agreement with more than  
521 ten pharmacists or nurses, or any combination thereof, at any one time so long as the nurses  
522 are in the same public health district as established pursuant to Code Section 31-3-15 and  
523 the pharmacists and nurses are employees or agents of the same corporate entity.

524 (k) It shall be unlawful for a physician who is employed by a pharmacist or nurse to enter  
525 into a vaccine protocol agreement or otherwise delegate medical acts to such pharmacist  
526 or nurse. It shall be unlawful for a physician who is employed by a pharmacy to enter into  
527 a vaccine protocol agreement or otherwise delegate medical acts to a pharmacist or nurse  
528 who is also employed by such pharmacy.

529 (l) The board shall have the authority to promulgate rules and regulations governing a  
530 physician who is a party to a vaccine protocol agreement in order to carry out the intent and  
531 purposes of this Code section. Further, the board shall:

532 (1) Require that the vaccine protocol agreement, along with the affidavit by the  
533 pharmacist or nurse submitted pursuant to paragraph ~~(16)~~ (15) of subsection (d) of this  
534 Code section and the proof of insurance required pursuant to paragraph ~~(14)~~ (13) of  
535 subsection (d) of this Code section, be filed by the physician with the board and be made  
536 available by the board for public inspection; and

537 (2) Promulgate by rule an approved standard protocol template that may be utilized as  
538 a vaccine protocol agreement and make such template available on the board's website.

539 (m) Nothing in this Code section shall be construed to require a physician to enter into a  
540 vaccine protocol agreement. A public or private managed care system, health plan,  
541 hospital, insurance company, or similar entity shall not require a physician, pharmacist, or  
542 nurse to enter into a vaccine protocol agreement as a condition for participation in or  
543 reimbursement from such entity.

544 (n) No physician who complies with the provisions of this Code section shall be subject  
545 to criminal or civil liability or discipline for unprofessional conduct for:

546 (1) Entering into a vaccine protocol agreement with a pharmacist or nurse;

547 (2) Issuing a vaccine order contained in a vaccine protocol agreement with a pharmacist  
548 or nurse; or

549 (3) The acts or omissions of a pharmacist or nurse pursuant to a vaccine protocol  
550 agreement including the administration of a vaccine or epinephrine.

551 Nothing in this subsection shall be interpreted as altering liability of an employer for acts  
552 of his or her employees.

553 (o)(1) This Code section shall not apply to any activities conducted ~~within~~ by a hospital,  
554 physician's office, nursing home, or other health care facility designated by the  
555 ~~department~~ Department of Public Health or conducted within any other facility or entity  
556 owned, operated, or leased by a hospital.

557 (2) Except as otherwise provided in paragraph (1) of this subsection, any activities  
558 conducted by a hospital or health system for the administration of the influenza vaccine  
559 shall not be subject to paragraphs (5) through ~~(9)~~ (8), ~~(15)~~ (14), or ~~(16)~~ (15) of subsection  
560 (d) of this Code section as long as the following conditions are met:

561 (A) A signed and dated consent form by which the vaccine recipient consents to the  
562 administration of the vaccine is obtained;

563 (B) If the vaccine recipient is a patient within the hospital or health system, the  
564 administration of the influenza vaccine shall be noted in such patient's health record  
565 maintained by the hospital or health system, including, but not limited to, the  
566 administering pharmacist's or nurse's name, address, telephone number, and  
567 professional license number; the name, dose, manufacturer, and lot number of the  
568 vaccine; and the date of administration and injection site;

569 (C) If the vaccine recipient is not a patient within the hospital or health system, a  
570 ~~personal immunization card on card stock paper containing the vaccine recipient's~~  
571 ~~name, the pharmacist's or nurse's name and phone number, the name and dosage of the~~  
572 ~~vaccine, the injection site on the vaccine recipient, the date of the administration of the~~  
573 ~~vaccine in legible writing or printed type in a format made available by the Department~~  
574 ~~of Public Health, and written information developed by the Department of Public~~  
575 ~~Health on the importance of having and periodically seeing a primary care physician~~  
576 ~~shall be provided to the vaccine recipient~~ the pharmacist, nurse, or his or her designee  
577 shall be required to check the Georgia Registry of Immunization Transactions and  
578 Services prior to administration of the vaccine and to enter the patient's vaccine  
579 information in the Georgia Registry of Immunization Transactions and Services within  
580 the vaccination registry's designated time frame, or as designated by the Department of  
581 Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall  
582 not be required to check the Georgia Registry of Immunization Transactions and  
583 Services during:

584 (i) A public health emergency, as defined in Code Section 31-12-1.1, for any vaccine  
585 administered to address the cause of the threat of an illness or health condition or the  
586 infectious agent or biological toxin which resulted in such public health emergency;  
587 or

588 (ii) A vaccination event for influenza that is anticipated to serve 75 or more patients.

589 The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions  
590 in accordance with subsection (r) of this Code section on any person subject to the  
591 requirements of this paragraph who does not submit the information required by this  
592 paragraph and to notify the delegating physician and the applicable licensing board for  
593 such person of violations of this paragraph; and

594 (D) If requested by the patient, the influenza vaccine shall be administered in an area  
595 or location with portable screening, at a minimum.

596 As used in this paragraph, the term 'health system' means (i) a parent corporation of one  
597 or more hospitals and any entity affiliated with such parent corporation through  
598 ownership, governance, membership, or other means; or (ii) a hospital and any entity  
599 affiliated with such hospital through ownership, governance, membership, or other  
600 means.

601 (p) This Code section shall not be interpreted as limiting the authority of any authorized  
602 person to dispense or administer vaccines or other medications.

603 ~~(q) No vaccine protocol agreement entered into pursuant to this Code section shall permit~~  
604 ~~a pharmacist or nurse to administer any of the following:~~

605 ~~(1) An influenza vaccine to any child under the age of 13 without an individual~~  
606 ~~prescription from a physician;~~

607 ~~(2) A pneumococcal disease vaccine to any child under the age of 18 without an~~  
608 ~~individual prescription from a physician;~~

609 ~~(3) Any vaccines containing a live attenuated virus to a child under the age of 13; or~~

610 ~~(4) A meningitis vaccine to any child under the age of 18.~~

611 No live attenuated virus shall be administered pursuant to this Code section unless the  
612 patient has signed an informed consent that he or she does not have a contraindication to  
613 such vaccine. The informed consent form shall list the contraindications to the vaccine.

614 Consent of the child's parent or legal guardian shall be a condition precedent to the  
615 administration of a vaccine to a child under the age of 18.



616 (r)(1) A pharmacist or nurse who knowingly does not comply with paragraph ~~(14)~~ (13)  
617 of subsection (d) of this Code section may be assessed a fine of up to \$2,500.00 by the  
618 board.

619 (2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine  
620 protocol agreement as required by this Code section may be assessed a fine of up to  
621 \$2,500.00 and may be prohibited from administering vaccines pursuant to this Code  
622 section for up to one year as determined by the board.

623 (3) A pharmacist or nurse who knowingly does not comply with paragraph ~~(6)~~ (5) of  
624 subsection (d) of this Code section may be subject to the following sanctions by the  
625 board:

626 (A) Upon the first violation, the issuance of a warning;

627 (B) Upon the second violation, a fine of up to \$500.00; and

628 (C) Upon a third or subsequent violation, prohibited from administering vaccines  
629 pursuant to this Code section for up to one year.

630 (4) A pharmacist or nurse who knowingly does not comply with paragraph ~~(15)~~ (14) of  
631 subsection (d) of this Code section may be subject to the following sanctions by the  
632 board:

633 (A) Upon the first or second violation, the issuance of a warning; and

634 (B) Upon a third or subsequent violation, prohibited from administering vaccines  
635 pursuant to this Code section for up to six months.

636 (5) A pharmacist or nurse who knowingly does not comply with paragraph ~~(10)~~ (9)  
637 or ~~(16)~~ (15) of subsection (d) of this Code section may be subject to the following  
638 sanctions by the Georgia Drugs and Narcotics Agency:

639 (A) Upon the first violation, the issuance of a warning;

640 (B) Upon the second violation, a fine of up to \$5,000.00; and

641 (C) Upon a third or subsequent violation, prohibited from administering vaccines  
642 pursuant to this Code section.

643 (6) The sanctions contained in this subsection shall be supplemental to any other  
644 sanctions or penalties to which a pharmacist or nurse may otherwise be subject."

645 **SECTION 11.**

646 This Act shall become effective upon its approval by the Governor or upon its becoming law  
647 without such approval.

648 **SECTION 12.**

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