

House Bill 440 (AS PASSED HOUSE AND SENATE)

By: Representatives Stoner of the 40<sup>th</sup>, Cooper of the 45<sup>th</sup>, Hawkins of the 27<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Bentley of the 150<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to student health in elementary and secondary education, so as to  
3 authorize public and private schools to stock a supply of undesignated ready-to-use glucagon;  
4 to provide for a definition; to provide for requirements for the storage, maintenance, and  
5 distribution of undesignated ready-to-use glucagon; to provide for the authorized use of  
6 undesignated ready-to-use glucagon; to provide for arrangements with manufacturers; to  
7 provide for regulations; to amend Chapter 4 of Title 26 of the Official Code of Georgia  
8 Annotated, relating to pharmacists and pharmacies, so as to authorize certain healthcare  
9 practitioners to prescribe or dispense glucagon to an authorized entity for emergency  
10 purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
14 relating to student health in elementary and secondary education, is amended by adding a  
15 new paragraph to subsection (a) and adding a new subsection to Code Section 20-2-779,  
16 relating to care of students with diabetes, definitions, training of school employees, diabetes

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17 medical management plan, no liability for staff, and application to private schools, to read  
18 as follows:

19 "(5) 'Undesignated ready-to-use glucagon' means a glucagon rescue therapy approved by  
20 the United States Food and Drug Administration prescribed in the name of a school that  
21 does not require reconstitution for the treatment of severe hypoglycemia in a dosage form  
22 that can be rapidly administered to the patient in an emergency, including prefilled  
23 injectable or nasally administered glucagon."

24 "(d.1)(1) A public or private school in this state may acquire and stock a supply of  
25 undesignated ready-to-use glucagon pursuant to a prescription issued in accordance with  
26 Code Section 26-4-116.4. Such public or private school shall designate an employee or  
27 agent trained in the possession and administration of glucagon who shall be responsible  
28 for the storage, maintenance, and distribution of the undesignated ready-to-use glucagon  
29 stocked by the school. Such undesignated ready-to-use glucagon shall be authorized and  
30 made available by the school for any permissible use provided in paragraph (1) of  
31 subsection (d) and subsection (e) of this Code section.

32 (2) A public or private school may enter into arrangements with manufacturers of  
33 approved glucagon or third-party suppliers of glucagon to obtain the products free of  
34 charge or at fair market or reduced prices.

35 (3) No later than July 1, 2023, the State Board of Education, in consultation with the  
36 Department of Public Health, shall adopt regulations as necessary to implement the  
37 provisions of this Code section."

38 **SECTION 2.**

39 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
40 pharmacies, is amended by adding a new Code section to read as follows:

41 "26-4-116.4.

42 (a) A physician licensed to practice medicine in this state, an advanced practice registered  
43 nurse acting pursuant to the authority of Code Section 43-34-25, and a physician assistant  
44 acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103 may  
45 prescribe undesignated ready-to-use glucagon in the name of a public or private school for  
46 use in accordance with Code Section 20-2-779 and in accordance with protocol specified  
47 by such physician, advanced practice registered nurse, or physician assistant.

48 (b) A pharmacist may dispense undesignated ready-to-use glucagon pursuant to a  
49 prescription issued in accordance with subsection (a) of this Code section."

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### **SECTION 3.**

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