

Senate Bill 121

By: Senators Miller of the 49th, Unterman of the 45th, Walker III of the 20th, Martin of the 9th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 13 of Title 16, Code Section 26-4-116.2, and Article 1 of
 2 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to dangerous drugs,
 3 the authority of licensed health practitioners to prescribe opioid antagonists and immunity
 4 from liability, and general provisions for health, respectively, so as to change provisions
 5 relating to the definitions of dangerous drugs; to provide for immunity for the state health
 6 officer under certain circumstances; to change provisions relating to the state health officer;
 7 to provide for his or her authority in connection to certain dangerous drugs; to provide for
 8 a short title; to provide for related matters; to provide for an effective date; to repeal
 9 conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Jeffrey Dallas Gay, Jr., Act."

13 **SECTION 2.**

14 Article 3 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
 15 dangerous drugs, is amended by revising paragraph (635) of subsection (b) of Code Section
 16 16-13-71, relating to the definition of a dangerous drug, as follows:

17 "(635) Naloxone — See exceptions;"

18 **SECTION 3.**

19 Said article is further amended by adding a new paragraph to subsection (c) of Code Section
 20 16-13-71, relating to the definition of a dangerous drug, to read as follows:

21 "(14.25) Naloxone — shall also be exempt from subsections (a) and (b) of this Code
 22 section when used for drug overdose prevention and when supplied by a dispenser as
 23 follows:

24 (A) Nasal adaptor rescue kits containing a minimum of two prefilled 2 ml. luer-lock
 25 syringes with each containing 1 mg./ml. of naloxone;

- 26 (B) Prepackaged nasal spray rescue kits containing single-use spray devices with each
 27 containing a minimum of 4 mg./0.1 ml. of naloxone;
 28 (C) Muscle rescue kits containing a 10 ml. multidose fliptop vial or two 1 ml. vials
 29 with a strength of 0.4 mg./ml. of naloxone; or
 30 (D) Prepackaged kits of two muscle autoinjectors with each containing a minimum of
 31 0.4 mg./ml. of naloxone.”

32 SECTION 4.

33 Code Section 26-4-116.2 of the Official Code of Georgia Annotated, relating to the authority
 34 of licensed health practitioners to prescribe opioid antagonists and immunity from liability,
 35 is amended by revising subsections (c) through (e) and adding a new subsection to read as
 36 follows:

37 “(c) A pharmacist acting in good faith and in compliance with the standard of care
 38 applicable to pharmacists may dispense opioid antagonists pursuant to a prescription issued
 39 in accordance with subsection (b) of this Code section or Code Section 31-1-10.

40 (d) A person acting in good faith and with reasonable care to another person whom he or
 41 she believes to be experiencing an opioid related overdose may administer an opioid
 42 antagonist that was prescribed pursuant to subsection (b) of this Code section in accordance
 43 with the protocol specified by the practitioner or pursuant to Code Section 31-1-10.

44 (e) The following individuals ~~are~~ shall be immune from any civil ~~or criminal~~ liability,
 45 criminal responsibility, or professional licensing sanctions for the following actions
 46 authorized by this Code section:

47 (1) Any practitioner acting in good faith and in compliance with the standard of care
 48 applicable to that practitioner who prescribes an opioid antagonist pursuant to subsection
 49 (b) of this Code section;

50 (2) Any practitioner or pharmacist acting in good faith and in compliance with the
 51 standard of care applicable to that practitioner or pharmacist who dispenses an opioid
 52 antagonist pursuant to a prescription issued in accordance with subsection (b) of this
 53 Code section; ~~and~~

54 (3) The state health officer acting in good faith and as provided in Code Section 31-1-10;
 55 and

56 ~~(3)(4)~~ (4) Any person acting in good faith, other than a practitioner, who administers an
 57 opioid antagonist pursuant to subsection (d) of this Code section.

58 (f) Every pharmacy in this state shall retain a copy of the standing order issued under Code
 59 Section 31-1-10.”

60 **SECTION 5.**

61 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
62 general provisions for health, is amended by revising Code Section 31-1-10, relating to the
63 state health officer, as follows:

64 "31-1-10.

65 (a) The position of state health officer is created. The Governor may appoint the
66 commissioner of public health to serve simultaneously as the state health officer or may
67 appoint another individual to serve as state health officer. Such officer shall serve at the
68 pleasure of the Governor. An individual appointed to serve as state health officer shall be
69 licensed to practice medicine in this state.

70 (b) The state health officer shall ~~perform~~:

71 (1) Perform such health emergency preparedness and response duties as assigned by the
72 Governor; and

73 (2) Be authorized to issue a standing order prescribing an opioid antagonist, as such term
74 is defined in Code Section 26-4-116.2, on a state-wide basis under conditions that he or
75 she determines to be in the best interest of this state."

76 **SECTION 6.**

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

79 **SECTION 7.**

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