

SENATE SUBSTITUTE TO HB 585:

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 provide for the regulation of the activities and use of
3 pharmacy technicians; to provide for the licensing and inspection of pharmacy benefit
4 managers; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
7 pharmacies, is amended by striking subsection (d) of Code Section 26-4-82, relating to duties
8 requiring professional judgment, and inserting in lieu thereof a new subsection (d) to read
9 as follows:
10

11 "(d) The board of pharmacy shall promulgate rules and regulations regarding the activities
12 and utilization of pharmacy technicians in pharmacies; provided, however, that the
13 pharmacist to pharmacy technician ratio shall not exceed one pharmacist providing direct
14 supervision of ~~two~~ three pharmacy technicians. The board may consider and approve an
15 application to increase the ratio in a pharmacy located in a licensed hospital. Such
16 application must be made in writing and must be submitted to the board by the pharmacist
17 in charge of a specific hospital pharmacy in this state. One of the three technicians must
18 have successfully passed a certification program approved by the board of pharmacy. No
19 technician shall work in this state without registering with the board within a period of time
20 as prescribed by the board and meeting all qualifications as set forth by the board. This
21 subsection shall become effective only upon the expressed and specific appropriation of
22 funds by the General Assembly to carry out the purpose of this Act."

SECTION 2.

23 Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
24 pharmacies, is amended by adding following Code Section 26-4-110 a new Code section to
25 read as follows:
26

27 "26-4-110.1.

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

2 (1) 'Enrollee' means a person eligible to receive health care benefits under a health
3 benefit plan.

4 (2) 'Health benefit plan' means any hospital or medical insurance policy or certificate,
5 health care plan contract or certificate, qualified higher deductible health plan, health
6 maintenance organization subscriber contract, or any managed care plan.

7 (3) 'Insurer' means a corporation or other entity which is licensed or otherwise authorized
8 to offer a health benefit plan in this state.

9 (4) 'Pharmacy benefits manager' means any person, corporation, or other entity that
10 administers the prescription drug, prescription device, or both prescription drug and
11 device portion of a health benefit plan on behalf of an insurer.

12 (b) Every pharmacy benefit manager which performs any act in this state which constitutes
13 the practice of pharmacy as defined in Code Section 26-4-4 shall be licensed to practice as
14 a pharmacy in this state and shall comply with those provisions of 26-4-110, except
15 subsections (h), (i), and (j) thereof. As a condition for licensing, every pharmacy benefit
16 manager shall permit the board or agents or employees thereof to inspect the premises of
17 such pharmacy benefit manager whether those premises are located within or outside this
18 state."

19

SECTION 3.

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