

SENATE SUBSTITUTE TO HB 696:

ADOPTED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to
2 department's powers, duties, functions, and responsibilities, divisions, directors, Office of
3 Women's Health, and contracts for health benefits, so as to require meetings and records of
4 a drug utilization board to be open to the public; to amend Article 4 of Chapter 18 of Title
5 50 of the Official Code of Georgia Annotated, relating to inspection of public records, so as
6 to change certain provisions relating to inspection of public records, printing of computerized
7 indexes of county real estate records, time for determination of whether requested records
8 are subject to access, and electronic access to records; to provide that certain requests may
9 be required to be in writing; to change certain provisions relating to exceptions from the
10 requirements of disclosure of public records; to provide an exception to public disclosure
11 requirements with respect to public records of an emergency "911" system containing
12 information which would reveal the name, address, or telephone number of a person placing
13 a call to a public safety answering point, which information may be redacted from such
14 records in certain cases; to provide an effective date; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to department's
19 powers, duties, functions, responsibilities, divisions, directors, Office of Women's Health,
20 and contracts for health benefits, is amended in subsection (f) by striking the word "and" at
21 the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting in
22 lieu thereof the symbol and word "; and", and by adding a new paragraph (8) to read as
23 follows:

24 "(8) Meetings of a drug utilization review board, or its equivalent, created to provide
25 guidance and recommendations to the department in formulating policies regarding the
26 utilization, categorization, and reimbursement of prescription drugs shall comply with the
27 requirements of Code Section 50-14-1. Documents relating to decisions reached by a

1 drug utilization board, or its equivalent, regarding access to prescription drugs and their
2 designation as generic, preferred, and nonpreferred medications on the preferred drug list
3 shall be available under the public records provisions of Code Section 50-18-70. A drug
4 utilization board, or its equivalent, shall afford the opportunity for members of the public
5 attending meetings of the board to make public comment during meetings."

6 SECTION 2.

7 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
8 inspection of public records, is amended by striking subsection (f) of Code Section 50-18-70,
9 relating to inspection of public records, printing of computerized indexes of county real
10 estate records, time for determination of whether requested records are subject to access, and
11 electronic access to records, and inserting in its place the following:

12 "(f)(1) The individual in control of such public record or records shall have a reasonable
13 amount of time to determine whether or not the record or records requested are subject to
14 access under this article and to permit inspection and copying. In no event shall this time
15 exceed three business days. Where responsive records exist but are not available within
16 three business days of the request, a written description of such records, together with a
17 timetable for their inspection and copying, shall be provided within that period; provided,
18 however, that records not subject to inspection under this article need not be made available
19 for inspection and copying or described other than as required by subsection (h) of Code
20 Section 50-18-72, and no records need be made available for inspection or copying if the
21 public officer or agency in control of such records shall have obtained, within that period
22 of three business days, an order based on an exception in this article of a superior court of
23 this state staying or refusing the requested access to such records.

24 (2) An agency may require that requests for records authorized by this article be
25 submitted in writing; except that written requests shall not be required for the agenda,
26 summary of matters acted on, and minutes of an agency's most recent meeting created
27 pursuant to subsection (e) of Code Section 50-14-1, and any other records an agency
28 determines to be routinely available. Where requests are required to be in writing, the
29 writing may be delivered to an agency by mail, facsimile, Internet, or courier or other
30 delivery in person."

31 SECTION 3.

32 Said article is further amended in subsection (a) of Code Section 50-18-72, relating to
33 exceptions from the requirements of disclosure of public records, by striking "or" at the end
34 of paragraph (13.1), striking the period at the end of paragraph (14) and inserting ";" in lieu
35 thereof, and adding new paragraphs to read as follows:

1 "(15) Unless the request is made by the accused in a criminal case or by his or her
2 attorney, public records of an emergency '911' system, as defined in paragraph (3) of
3 Code Section 46-5-122, containing information which would reveal the name, address,
4 or telephone number of a person placing a call to a public safety answering point, which
5 information may be redacted from such records if necessary to prevent the disclosure of
6 the identity of a confidential source, to prevent disclosure of material which would
7 endanger the life or physical safety of any person or persons, or to prevent the disclosure
8 of the existence of a confidential surveillance or investigation; or
9 (16) Records of pending proceedings under Article 2 of Chapter 13 of this title."

10 **SECTION 4.**

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

13 **SECTION 5.**

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