

House Bill 585 (AS PASSED HOUSE AND SENATE)

By: Representatives Parham of the 122<sup>nd</sup>, Graves of the 125<sup>th</sup>, West of the 101<sup>st</sup>, Coleman of the 142<sup>nd</sup>, Childers of the 13<sup>th</sup> and others

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 authorize the board to promulgate rules and regulations requiring wholesale  
5 drug distributors to provide for the return of outdated drugs for credit or replacement; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

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

13 "(d) The board of pharmacy shall promulgate rules and regulations regarding the activities  
14 and utilization of pharmacy technicians in pharmacies; provided, however, that the  
15 pharmacist to pharmacy technician ratio shall not exceed one pharmacist providing direct  
16 supervision of ~~two~~ three pharmacy technicians. The board may consider and approve an  
17 application to increase the ratio in a pharmacy located in a licensed hospital. Such  
18 application must be made in writing and must be submitted to the board by the pharmacist  
19 in charge of a specific hospital pharmacy in this state. One of the three technicians must:  
20 (1) Have successfully passed a certification program approved by the board of pharmacy;  
21 (2) Have successfully passed an employer's training and assessment program which has  
22 been approved by the board of pharmacy; or  
23 (3) Have been certified by either the Pharmacy Technician Certification Board or any  
24 other nationally recognized certifying body approved by the board of pharmacy."

**SECTION 2.**

Said chapter is further amended by adding following Code Section 26-4-110 a new Code section to read as follows:

"26-4-110.1.

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

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

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

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

(4) 'Pharmacy benefits manager' means any person, corporation, or other entity that administers the prescription drug, prescription device, or both prescription drug and device portion of a health benefit plan on behalf of an insurer but shall not include any pharmacy benefits manager offered pursuant to Chapter 18 of Title 45 or offered on behalf of recipients of medical assistance under Titles XIX and XXI of the federal Social Security Act.

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

**SECTION 3.**

Said chapter is further amended by striking subsection (c) of Code Section 26-4-115, relating to wholesale drug distributors, registration, fees, reports of excessive purchases, and penalty for violations, and inserting in its place the following:

"(c) The board shall be authorized to promulgate rules and regulations to facilitate compliance with this Code section. Such rules and regulations shall include a requirement that all wholesale drug distributors required to register pursuant to this Code section shall make adequate provision for the return of outdated drugs, both full and partial containers, for up to six months after the labeled expiration date for prompt full credit or replacement."

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**SECTION 4.**

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