

Senate Bill 12

By: Senator Crotts of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to provide for the regulation of phenylpropanolamine and limit
3 the sale or distribution of such drug; to provide for penalties and sanctions; to provide for an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
8 substances, is amended by adding at the end a new article to read as follows:

9 "ARTICLE 6

10 16-13-130.

11 As used in this article, the term:

12 (1) 'Controlled drug' means phenylpropanolamine when it is the single entity active
13 ingredient or when used in combination with any other substance, whether or not a
14 controlled substance.

15 (2) 'Minor' means a person under 18 years of age.

16 (3) 'Person' means an individual, corporation, business trust, estate trust, partnership,
17 association, or any other legal entity.

18 (4) 'Proper identification' means any document issued by a governmental agency
19 containing a description of the person, such person's photograph, or both, and giving such
20 person's date of birth and includes, without being limited to, a passport, military
21 identification card, driver's license, or an identification card authorized under Code
22 Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth
23 certificate.

24 16-13-131.

1 (a) It shall be unlawful for any person, other than a person licensed to practice medicine
2 in this state, a pharmacist in the regular course of business in a pharmacy licensed under
3 Chapter 4 of Title 26, or an employee under the direct supervision of such a pharmacist,
4 knowingly to sell, give, or otherwise distribute a controlled drug.

5 (b) A pharmacist or employee under the direct supervision of a pharmacist authorized to
6 sell, give, or otherwise distribute a controlled drug to another person under subsection (a)
7 of this Code section may only do so if that other person has signed a form, as provided by
8 the State Board of Pharmacy, which discloses the major side effects of such controlled
9 drug.

10 16-13-132.

11 It shall be unlawful for any person, other than a person licensed to practice medicine in this
12 state, knowingly to sell, give, or otherwise distribute a controlled drug to a minor.

13 16-13-133.

14 Every person who manufactures or wholesales a controlled drug in this state or who
15 proposes to engage in such activity shall obtain annually a registration issued by the State
16 Board of Pharmacy in accordance with its rules. Notwithstanding the provisions of Code
17 Section 16-13-131, a manufacturer so registered may distribute a controlled drug to another
18 manufacturer or wholesaler, and a wholesaler so registered may distribute a controlled drug
19 to a pharmacy.

20 16-13-134.

21 (a) The prohibition contained in Code Section 16-13-132 shall not apply with respect to
22 the sale or distribution of a controlled drug by a person when such person has been
23 furnished with proper identification showing that the person to whom the controlled drug
24 is sold or distributed is 18 years of age or older.

25 (b) In any case where a reasonable or prudent person could reasonably be in doubt as to
26 whether or not the person to whom a controlled drug is to be sold or otherwise distributed
27 is actually 18 years of age or older, it shall be the duty of the person selling or otherwise
28 distributing such controlled drugs to request to see and to be furnished with proper
29 identification in order to verify the age of such person. The failure to make such request
30 and verification in any case where the person to whom the controlled drug is sold or
31 otherwise distributed is a minor may be considered by the trier of fact in determining
32 whether the person selling or otherwise distributing such controlled drug did so knowingly.

33 16-13-135.

1 Any person who violates Code Section 16-13-131 or 16-13-132 shall be guilty of a
2 misdemeanor and, upon conviction thereof, shall be punished for a first offense, by a fine
3 not to exceed \$250.00 and for any subsequent offense, upon conviction thereof, by a fine
4 not to exceed \$1,000.00, imprisonment not to exceed 12 months, or both such fine and
5 imprisonment.

6 16-13-136.

7 (a) It shall be unlawful for any minor to:

8 (1) Purchase, obtain, or possess any controlled drug except when obtained from a
9 physician licensed to practice medicine in this state; or

10 (2) Misrepresent such minors identity or age or use any false identification for the
11 purpose of purchasing or procuring any controlled drug.

12 (b) A minor who commits an offense provided for in subsection (a) of this Code section
13 may be punished by requiring the performance of community service not exceeding 20
14 hours."

15 **SECTION 2.**

16 This Act shall become effective on July 1, 2001.

17 **SECTION 3.**

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