

House Bill 481

By: Representatives Parham of the 122nd, Childers of the 13th, Parrish of the 144th, Graves of the 125th and Stephens of the 150th

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 change the provisions relating to definitions; to provide
3 for an exemption for the Georgia Emergency Management Agency from certain registration
4 and permit requirements; to change the provisions relating to dispensing drugs by certain
5 practitioners; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
9 pharmacies, is amended by striking paragraph 26 of Code Section 26-4-5, relating to
10 definitions, and inserting in its place the following:

11 "(26) 'Person' means an individual, corporation, government, or governmental subdivision
12 or agency, business trust estate, trust, partnership, or association, or any other legal entity."

13 **SECTION 2.**

14 Said chapter is further amended by adding after paragraph (18) of subsection (a) of Code
15 Section 26-4-28, relating to powers of the Georgia State Board of Pharmacy, a new
16 paragraph to read as follows:

17 "(18.1) In times when a state of emergency is declared, the Georgia Emergency
18 Management Agency (GEMA) is exempt from board requirements to register or obtain
19 a permit to receive, possess, and distribute controlled substances and dangerous drugs as
20 required under Code Sections 16-13-35, 26-4-113, and 26-4-115."

21 **SECTION 3.**

22 Said chapter is further amended by striking subsections (b) and (c) of Code Section 26-4-130,
23 relating to dispensing drugs by certain practitioners, and inserting in their place the
24 following:

1 "(b) The other provisions of this chapter and Article 3 of Chapter 13 of Title 16 shall not
2 apply to practitioners of the healing arts prescribing or compounding their own
3 prescriptions and dispensing any drugs solely for their own patients except as provided in
4 this Code section. Nor shall such provisions prohibit the administration of drugs by a
5 practitioner of the healing arts or any person under the supervision of such practitioner or
6 by the direction of such practitioner except as provided in this Code section. Any term
7 used in this subsection and defined in Code Section 43-34-26.1 shall have the meaning
8 provided for such term in Code Section 43-34-26.1. The other provisions of this chapter
9 and Articles 2 and 3 of Chapter 13 of Title 16 shall not apply to persons authorized by
10 Code Section 43-34-26.1 to order, dispense, or administer drugs when such persons order,
11 dispense, or administer those drugs in conformity with Code Section 43-34-26.1. ~~When a~~
12 A person dispenses drugs may only dispense drugs to his or her own patients and pursuant
13 to the authority delegated to that person under the provisions of Code Section 43-34-26.1,
14 when, with regard to the drugs so dispensed, that person ~~shall comply~~ complies with the
15 requirements placed upon practitioners by subsections (c) and (d) of this Code section.
16 (c) ~~All practitioners~~ Practitioners who can only dispense drugs to their own patients shall
17 comply with all record-keeping, labeling, packaging, and storage requirements imposed
18 upon pharmacists and pharmacies with regard to such drugs pursuant to this chapter and
19 Chapter 13 of Title 16."

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SECTION 4.

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