

House Bill 510 (AS PASSED HOUSE AND SENATE)

By: Representatives Parham of the 122<sup>nd</sup>, Stephens of the 150<sup>th</sup>, Graves of the 125<sup>th</sup>, Parrish of the 144<sup>th</sup> and Twiggs of the 8<sup>th</sup>

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 change the listings of controlled substances and dangerous  
3 drugs; to provide for penalties related to violations and restitution to the state for cleanup of  
4 environmental hazards; to provide for definitions; to amend Chapter 4 of Title 26 of the  
5 Official Code of Georgia Annotated, the "Georgia Pharmacy Practice Act," so as to require  
6 certain wholesale distributors of controlled substances or dangerous drugs to provide certain  
7 information relating thereto; provide for related matters; to provide an effective date; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled  
11 substances, is amended by striking paragraph (5) of Code Section 16-13-25, relating to  
12 Schedule I controlled substances, and inserting in its place the following:

14 "(5) Any material, compound, mixture, or preparation which contains any quantity of the  
15 following substances, their salts, isomers; (whether optical, position, or geometrics), and  
16 salts of isomers, unless specifically excepted, whenever the existence of these substances,  
17 their salts, isomers, and salts of isomers is possible within the specific chemical  
18 designation:

19 gamma hydroxybutyric acid (gamma hydroxy butyrate); provided, however, that this  
20 does not include any amount naturally and normally occurring in the human body; and"

**SECTION 2.**

21 Said chapter is further amended by striking Code Section 16-13-56, relating to penalties for  
22 violations, and inserting in its place the following:

24 "16-13-56.

1 (a) Unless otherwise specified with respect to a particular offense, any person who violates  
 2 any provision of this article shall be guilty of a misdemeanor.

3 (b) In addition to any other penalty imposed by law for a violation of this article, if the  
 4 sentencing court finds that in committing a violation of this article, the defendant  
 5 contributed to a release of hazardous waste, a hazardous constituent, or a hazardous  
 6 substance as such terms are defined by Code Sections 12-8-62 and 12-8-92, the court shall  
 7 require such defendant to make restitution to the State of Georgia pursuant to subsection (a)  
 8 of Code Section 12-8-96.1 for the reasonable costs of activities associated with the cleanup  
 9 of environmental hazards, including legal expenses incurred by the state. Restitution made  
 10 pursuant to this Code section shall not preclude the State of Georgia from obtaining any  
 11 other civil or criminal remedy available under any other provision of law. The restitution  
 12 authorized by this Code section is supplemental and not exclusive."

### 13 SECTION 3.

14 Said chapter is further amended by adding following Code Section 16-13-70, a new Code  
 15 Section 16-13-70.1 to read as follows:

16 "16-13-70.1.

17 Any term used in this article and not defined in this article but defined in Code Section  
 18 16-13-21 shall have the meaning provided for that term in Code Section 16-13-21."

### 19 SECTION 4.

20 Said chapter is further amended by striking from subsection (b) of Code Section 16-13-71,  
 21 relating to the list of dangerous drugs, the following paragraphs:

22 "(160.2) Chenodiol;"

23 "(160.15) Cetirizine;"

24 "(920) Sulfathiazole;"

### 25 SECTION 5.

26 Said chapter is further amended by adding in the appropriate positions in subsection (b) of  
 27 Code Section 16-13-71, relating to the list of dangerous drugs, the following paragraphs:

28 "(22.5) Alosetron;"

29 "(62.8) Argatroban;"

30 "(64.1) Arsenic trioxide;"

31 "(76.5) Balsalazide;"

32 "(97.3) Bexarotene;"

33 "(160.15) Cetirizine;"

34 "(160.16) Cetrorelix;"

- 1 "(160.17) Cevimeline;"
- 2 "(160.2) Chenodiol;"
- 3 "(192.03) Ciclopirox;"
- 4 "(192.4) Cilexetil;"
- 5 "(221.5) Cupric chloride — injectable;"
- 6 "(315.7) Docosanol — See exceptions;"
- 7 "(390.7) Fludeoxyglucose;"
- 8 "(404.3) Follitropin;"
- 9 "(408.8) Gadoversetamide;"
- 10 "(412.03) Gatifloxacin;"
- 11 "(412.3) Gemtuzumab ozogamicin;"
- 12 "(474.4) Insulin glargine;"
- 13 "(516.07) Levobetaxolol;"
- 14 "(522.5) Linezolid;"
- 15 "(529.5) Lopinavir;"
- 16 "(552.5) Meloxicam;"
- 17 "(563.5) Mequinol;"
- 18 "(622.3) Mitoxantrone;"
- 19 "(644.9) Nitric oxide — for use in humans;"
- 20 "(667.5) Oxcarbazepine;"
- 21 "(680.5) Ozogamicin;"
- 22 "(685.7) Pantoprazole;"
- 23 "(703.6) Perfluoroalkylpolyether;"
- 24 "(726.5) Phenylpropanolamine;"
- 25 "(751.5) Polytetrafluoroethylene;"
- 26 "(752.2) Poractant Alpha;"
- 27 "(785.5) Proguanil;"
- 28 "(843.83) Rivastigmine;"
- 29 "(920) Reserved;"
- 30 "(922.5) Sulfathiazole;"
- 31 "(967.2) Tinzaparin;"
- 32 "(1002.5) Triptorelin;"
- 33 "(1019.5) Unoprostone;"
- 34 "(1029.5) Verteporfin;"
- 35 "(1042.92) Zonisamide;"

**SECTION 6.**

Said chapter is further amended by adding in the appropriate place in subsection (c) of Code Section 16-13-71, relating to the list of dangerous drugs, the following:

"(8.5) Docosanol – when used in 10 percent topical preparation to treat fever blisters, cold sores, or fever blisters and cold sores."

**SECTION 6.1.**

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, the "Georgia Pharmacy Practice Act," is amended by adding after Code Section 26-4-115 a new Code section to read as follows:

"26-4-115.1.

Every wholesale distributor registered as provided in Chapter 13 of Title 16 or subsection (a) of Code Section 26-4-115, except those which are exclusively reverse drug distributors, shall provide to the Department of Community Health such information, with regard to the controlled substances and dangerous drugs which are distributed by that wholesale distributor, as is determined by that department to be necessary or useful in the department's efficient administration of the state plan for medical assistance, as defined in Code Section 49-4-141, and in the department's determination of possible violations of Chapter 13 of Title 16, which information shall include but not be limited to price and quantity information."

**SECTION 6.2.**

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

**SECTION 7.**

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