

Senate Bill 145

By: Senators Balfour of the 9th, Thomas of the 54th, Stokes of the 43rd and Seabaugh of the 28th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to  
2 grounds for suspension, revocation, or refusal to grant licenses by the State Board of  
3 Pharmacy, so as to change certain provisions relating to selling, distributing, and delivering  
4 prescription drugs by mail or other common carriers; to repeal conflicting laws; and for other  
5 purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for  
9 suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, is  
10 amended by striking paragraph (11) of subsection (a) and inserting in lieu thereof the  
11 following:

12 "(11) Regularly employing the mails or other common carriers to sell, distribute, and  
13 deliver a drug which requires a prescription directly to a patient; provided, however, that  
14 this provision shall not prohibit the use of the mails or other common carriers to sell,  
15 distribute, and deliver a prescription drug directly to an institution or to an enrollee in a  
16 health benefits plan of a closed panel health maintenance organization or its affiliates by  
17 a pharmacy which is operated by a health maintenance organization and licensed under  
18 Code Section 26-4-10. For purposes of this paragraph, the term 'closed panel health  
19 maintenance organization' means a health maintenance organization that has an exclusive  
20 contract with a medical group practice to provide or arrange for the provision of  
21 substantially all physician services to enrollees in health benefit plans of the health  
22 maintenance organization;"

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.