

The House Committee on Health and Human Services offers the following substitute to HB 261:

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 exempt over-the-counter controlled substances; to require certain
4 information to be included on certain prescription drug orders; to permit prescription drug
5 orders to be transmitted by electronic means; to provide for related matters; to provide for
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
10 substances, is amended by adding to Code Section 16-13-21, relating to definitions, new
11 paragraphs (6.1), (6.2), and (12.5) to read as follows:

12 "(6.1) 'Dangerous drug' means any drug, other than a controlled substance, which cannot
13 be dispensed except upon the issuance of a prescription drug order by a practitioner
14 authorized under this chapter.

15 (6.2) 'DEA' means the United States Drug Enforcement Administration."

16 "(12.05) 'FDA' means the United States Food and Drug Administration."

17 **SECTION 2.**

18 Said chapter is further amended by striking paragraphs (5) and (6) of Code Section 16-13-25,
19 relating to Schedule I controlled substances, and inserting in lieu thereof the following:

20 "(5) Any material, compound, mixture, or preparation which contains any quantity of the
21 following substances, their salts, isomers (whether optical, position, or geometrics), and
22 salts of isomers, unless specifically excepted, whenever the existence of these substances,
23 their salts, isomers, and salts of isomers is possible within the specific chemical
24 designation:

1 (A) Gamma hydroxybutyric acid (gamma hydroxy butyrate); provided, however, that
 2 this does not include any amount naturally and normally occurring in the human body;
 3 and

4 (B) Sodium oxybate, when the FDA approved form of this drug is not:

5 (i) In a container labeled in compliance with subsection (a) or (b) of Code Section
 6 26-3-8; and

7 (ii) In the possession of:

8 (I) A registrant permitted to dispense the drug;

9 (II) Any person other than to whom the drug was prescribed; or

10 (III) Any person who attempts to or does unlawfully possess, sell, distribute, or
 11 give this drug to any other person;

12 (6) Notwithstanding the fact that Schedule I substances have no currently accepted
 13 medical use, the General Assembly recognizes certain of these substances which are
 14 currently accepted for certain limited medical uses in treatment in the United States but
 15 have a high potential for abuse. Accordingly, unless specifically excepted or unless listed
 16 in another schedule, any material, compound, mixture, or preparation which contains any
 17 quantity of methaqualone, including its salts, isomers, optical isomers, salts of their
 18 isomers, and salts of these optical isomers, is included in Schedule I;

19 (7) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

20 (8) 1-(3-Trifluoromethylphenyl) Piperazine (TFMPP);

21 (9) N-Benzylpiperazine (BZP)."

22 SECTION 3.

23 Said chapter is further amended by striking paragraph (8) of Code Section 16-13-27, relating
 24 to Schedule III controlled substances, and inserting in its place the following:

25 "(8) Dronabinol (synthetic) in sesame oil and encapsulated in a U.S. Food and Drug
 26 Administration approved drug product also known as Marinol;

27 (9) Sodium oxybate, when the FDA approved form of this drug is in a container labeled
 28 in compliance with subsection (a) or (b) of Code Section 26-3-8, in the possession of a
 29 registrant permitted to dispense the drug, or in the possession of a person to whom it has
 30 been lawfully prescribed;

31 (10) Buprenorphine."

32 SECTION 4.

33 Said chapter is further amended by striking paragraph (9), designating said paragraph as
 34 reserved, and by adding a new paragraph (30.05) to subsection (a) of Code Section 16-13-28,
 35 relating to Schedule IV controlled substances, to read as follows:

1 telephone number, and federal DEA registration number of the prescribing practitioner.
 2 Such prescriptions shall be signed and dated or may be issued orally by the prescribing
 3 practitioner on the date when issued, and the nature of the signature of the prescriber shall
 4 meet the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the
 5 State Board of Pharmacy, or both such guidelines and regulations."

6 **SECTION 8.**

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

- 9 "(119.05) Butenafine;"
 10 "(349.7) Reserved;"
 11 "(529.9) Loratadine;"
 12 "(623.5) Mometazone;"
 13 "(752.2) Poractant Alpha;"
 14 "(1002) Triprolidine;"

15 **SECTION 9.**

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

- 18 "(22.2) Almotriptan;"
 19 "(50.4) Anakinra;"
 20 "(68.15) Atomoxetine;"
 21 "(98.2) Bimatoprost;"
 22 "(102.5) Bivalirudin;"
 23 "(105.5) Bosentan;"
 24 "(105.7) Botulinum toxin (B);"
 25 "(119.05) Butenafine — See exceptions;"
 26 "(146.6) Caspofungin;"
 27 "(151.45) Cefditoren;"
 28 "(240.5) Darbepoetin alfa;"
 29 "(251.5) Desloratadine;"
 30 "(293.5) Dimyristoyl;"
 31 "(325.3) Drospirenone;"
 32 "(325.4) Drotrecogin alfa;"
 33 "(325.5) Dutasteride;"
 34 "(346.5) Ertapenem;"
 35 "(349.7) Esomeprazole;"

1 agent and the nature of the practitioner's signature must meet the guidelines set forth in
2 Chapter 4 of Title 26, the regulations promulgated by the State Board of Pharmacy, or both
3 such guidelines and regulations. Any practitioner who shall dispense dangerous drugs shall
4 comply with the provisions of Code Section 16-13-73."

5 **SECTION 13.**

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

8 **SECTION 14.**

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