

House Bill 1220

By: Representatives Stephens of the 123<sup>rd</sup>, Parham of the 94<sup>th</sup>, Graves of the 106<sup>th</sup>, and Parrish of the 102<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5A of Title 31 of the Official Code of Georgia Annotated, relating to the  
2 Department of Community Health, so as to provide that certain prescription drugs sold in this  
3 state for use with humans and subject to a maximum manufacturer's price schedule  
4 established by the Public Service Commission shall not be subject to certain prior approval  
5 requirements; to provide a contingent effective date; to provide for contingent automatic  
6 repeal; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Chapter 5A of Title 31 of the Official Code of Georgia Annotated, relating to the Department  
10 of Community Health, is amended by adding a new Code section to read as follows:

11 "31-5A-8.

12 Any prescription drug sold in this state for use with humans that is subject to a maximum  
13 manufacturer's price schedule established by the Public Service Commission, other than  
14 a Schedule II controlled substance listed in Code Section 16-13-26, shall not be subject to  
15 prior approval by the Department of Community Health for purposes of coverage under the  
16 state health benefit plan under Article 1 of Chapter 18 of Title 45, the medical assistance  
17 program under Article 7 of Chapter 4 of Title 49, the PeachCare for Kids program under  
18 Article 13 of Chapter 5 of Title 49, or any other health benefit plan or policy administered  
19 by or on behalf of the state."

20 **SECTION 2.**

21 (a) This section and Section 3 of this Act shall become effective upon approval of this Act  
22 by the Governor or upon its becoming law without such approval.

23 (b) Section 1 of this Act shall become effective on July 1, 2004, only if an Act providing for  
24 the establishment of a maximum manufacturer's price schedule by the Public Service  
25 Commission for prescription drugs sold in this state for use with humans is enacted at the

1 2004 regular session of the General Assembly and becomes law on or before July 1, 2004;  
2 otherwise, Section 1 of this Act shall not become effective and shall stand repealed on July  
3 1, 2004.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.