

House Bill 430

By: Representatives Hill of the 180<sup>th</sup>, Keen of the 179<sup>th</sup>, Smith of the 70<sup>th</sup>, Cooper of the 41<sup>st</sup>, Rynders of the 152<sup>nd</sup>, and others

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 enact "Karon's Law"; to provide for a short title; to  
3 provide for the establishment and operation of a drug repository program to accept and  
4 dispense donated prescription drugs; to provide for definitions; to provide for criteria for the  
5 acceptance of drugs into the program; to provide for persons and entities who are authorized  
6 to donate drugs to the program; to provide for entities that may accept and dispense donated  
7 drugs; to limit the liability for drug manufacturers and for persons and entities participating  
8 in the program; to provide for the establishment of rules and regulations by the State Board  
9 of Pharmacy for the implementation and operation of the program; to repeal conflicting laws;  
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
14 pharmacies, is amended by adding a new Article 11 to read as follows:

15 style="text-align:center">"ARTICLE 11

16 26-4-190.

17 This article shall be known and may be cited as 'Karon's Law.'

18 26-4-191.

19 As used in this article, the term:

20 (1) 'Health care facility' means an institution which is licensed as a hospital or nursing  
21 home pursuant to Article 1 of Chapter 7 of Title 31 or licensed as a hospice pursuant to  
22 Article 9 of Chapter 7 of Title 31, or a home health agency licensed pursuant to Article  
23 7 of Chapter 7 of Title 31.

1 (2) 'Health care professional' means any of the following who provide medical, dental,  
2 or other health related diagnosis, care, or treatment:

3 (A) Individuals licensed to practice medicine under Chapter 34 of Title 43;

4 (B) Registered nurses and licensed practical nurses licensed under Chapter 26 of Title  
5 43;

6 (C) Physician assistants authorized to practice under Chapter 34 of Title 43;

7 (D) Dentists and dental hygienists licensed under Chapter 11 of Title 43;

8 (E) Optometrists licensed under Chapter 30 of Title 43; and

9 (F) Pharmacists licensed under Chapter 4 of this title.

10 (3) 'Hospital' means a facility which has a valid permit or provisional permit issued under  
11 Chapter 7 of Title 31 and which is primarily engaged in providing to inpatients, by or  
12 under the supervision of physicians, diagnostic services and therapeutic services for  
13 medical diagnosis, treatment, and care of injured, disabled, or sick persons.

14 (4) 'Indigent person' means any person having as a maximum allowable income level an  
15 amount corresponding to 125 percent of the federal poverty guideline.

16 (5) 'Nonprofit clinic' means a charitable nonprofit corporation organized and operated  
17 pursuant to Chapter 3 of Title 14 that provides health care services to indigent and  
18 uninsured persons. 'Nonprofit clinic' shall not include a hospital.

19 (6) 'Program' means the drug repository program established pursuant to Code Section  
20 26-4-192.

21 26-4-192.

22 The board shall establish a drug repository program to accept and dispense prescription  
23 drugs donated for the purpose of being dispensed to individuals who are residents of this  
24 state and meet eligibility standards established in rules adopted by the board pursuant to  
25 Code Section 26-4-195. Only drugs in their original sealed and tamper-evident unit dose  
26 packaging may be accepted and dispensed. The packaging must be unopened, except that  
27 drugs packaged in single unit doses may be accepted and dispensed when the outside  
28 packaging is opened if the single unit dose packaging is undisturbed. Drugs donated by  
29 individuals bearing an expiration date that is less than six months from the date the drug  
30 is donated shall not be accepted or dispensed. A drug shall not be accepted or dispensed  
31 if there is reason to believe that it is adulterated pursuant to Code Section 26-3-7. Subject  
32 to the limitation specified in this Code section, unused drugs dispensed for purposes of the  
33 Medicaid program may be accepted and dispensed under the drug repository program.

1 26-4-193.

2 (a) Any person, including a drug manufacturer or any health care facility, may donate  
3 prescription drugs to the drug repository program. The drugs must be donated at a  
4 pharmacy, hospital, or nonprofit clinic that elects to participate in the drug repository  
5 program and meets criteria for participation in the program established in rules adopted by  
6 the board under Code Section 26-4-195. Participation in the program by pharmacies,  
7 hospitals, and nonprofit clinics is voluntary. Nothing in this or any other Code section shall  
8 require a pharmacy, hospital, or nonprofit clinic to participate in the program.

9 (b) A pharmacy, hospital, or nonprofit clinic eligible to participate in the program shall  
10 dispense drugs donated under this Code section to individuals who are residents of this  
11 state and meet the eligibility standards established in rules adopted by the board pursuant  
12 to Code Section 26-4-195 or to other government entities and nonprofit private entities to  
13 be dispensed to individuals who meet the eligibility standards. A drug may be dispensed  
14 only pursuant to a valid prescription drug order. A pharmacy, hospital, or nonprofit clinic  
15 that accepts donated drugs shall comply with all applicable federal laws and laws of this  
16 state dealing with storage and distribution of dangerous drugs and shall inspect all drugs  
17 prior to dispensing them to determine that they are not adulterated. The pharmacy, hospital,  
18 or nonprofit clinic may charge individuals receiving donated drugs a handling fee  
19 established in accordance with rules adopted by the board pursuant to Code Section  
20 26-4-195. Drugs donated to the repository may not be resold.

21 26-4-194.

22 (a) The State Board of Pharmacy; the commissioner of the Department of Human  
23 Resources; any person, including a drug manufacturer, or government entity that donates  
24 drugs to the program; any pharmacy, hospital, nonprofit clinic, or health care professional  
25 that accepts or dispenses drugs under the program; and any pharmacy, hospital, or  
26 nonprofit clinic that employs a health care professional who accepts or dispenses drugs  
27 under the program shall not, in the absence of bad faith, be subject to criminal prosecution;  
28 liability in tort or other civil action for injury, death, or loss to person or property; or  
29 professional disciplinary action for matters related to donating, accepting, or dispensing  
30 drugs under the program.

31 (b) A drug manufacturer shall not, in the absence of bad faith, be subject to criminal  
32 prosecution or liability in tort or other civil action for injury, death, or loss to person or  
33 property for matters related to the donation, acceptance, or dispensing of a drug  
34 manufactured by the drug manufacturer that is donated by any person under the program,  
35 including but not limited to liability for failure to transfer or communicate product or  
36 consumer information or the expiration date of the donated drug.

1 26-4-195.

2 In consultation with the commissioner of the Department of Human Resources, the board  
3 shall establish rules and regulations governing the drug repository program that establish  
4 all of the following:

5 (1) Eligibility criteria for pharmacies, hospitals, and nonprofit clinics to receive and  
6 dispense donated drugs under the program;

7 (2) Standards and procedures for accepting, safely storing, and dispensing donated drugs;

8 (3) Standards and procedures for inspecting donated drugs to determine that the original  
9 unit dose packaging is sealed and tamper-evident and that the drugs are unadulterated,  
10 safe, and suitable for dispensing;

11 (4) Eligibility standards based on economic need for individuals to receive drugs;

12 (5) A means, such as an identification card, by which an individual who is eligible to  
13 receive donated drugs may demonstrate eligibility to the pharmacy, hospital, or nonprofit  
14 clinic dispensing the drugs;

15 (6) A form that an individual receiving a drug from the repository must sign before  
16 receiving the drug to confirm that the individual understands the immunity provisions of  
17 the program;

18 (7) A formula to determine the amount of a handling fee that pharmacies, hospitals, and  
19 nonprofit clinics may charge to drug recipients to cover restocking and dispensing costs;

20 (8) For drugs donated to the repository by individuals:

21 (A) A list of drugs, arranged either by category or by individual drug, that the  
22 repository will accept from individuals;

23 (B) A list of drugs, arranged either by category or by individual drug, that the  
24 repository will not accept from individuals, including a statement as to why the drug  
25 is ineligible for donation; and

26 (C) A form each donor must sign stating that the donor is the owner of the drugs and  
27 intends to voluntarily donate them to the repository;

28 (9) For drugs donated to the repository by health care facilities:

29 (A) A list of drugs, arranged either by category or by individual drug, that the  
30 repository will accept from health care facilities; and

31 (B) A list of drugs, arranged either by category or by individual drug, that the  
32 repository will not accept from health care facilities, including a statement as to why  
33 the drug is ineligible for donation; and

34 (10) Any other standards and procedures the board considers appropriate."

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**SECTION 2.**

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