

Senate Bill 199

By: Senators Balfour of the 9th, Seabaugh of the 28th, Hudgens of the 47th, Adelman of the 42nd and Henson of the 41st

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 delete 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 subsection (a) in its entirety and inserting in lieu thereof the following:

11 "(a) The board of pharmacy may refuse to issue or renew, or may suspend, revoke, or
12 restrict the licenses of, or fine any person pursuant to the procedures set forth in this Code
13 section, upon one or more of the following grounds:

- 14 (1) Unprofessional conduct as that term is defined by the rules of the board;
- 15 (2) Incapacity that prevents a licensee from engaging in the practice of pharmacy with
16 reasonable skill, competence, and safety to the public;
- 17 (3) Being guilty of one or more of the following:
- 18 (A) A felony;
- 19 (B) Any act involving moral turpitude; or
- 20 (C) Violations of the pharmacy or drug laws of this state, or rules and regulations
21 pertaining thereto, or of laws, rules, and regulations of any other state, or of the federal
22 government;
- 23 (4) Misrepresentation of a material fact by a licensee in securing the issuance or renewal
24 of a license;

- 1 (5) Engaging or aiding and abetting an individual to engage in the practice of pharmacy
2 without a license falsely using the title of 'pharmacist' or 'pharmacy intern,' or falsely
3 using the term 'pharmacy' in any manner;
- 4 (6) Failing to pay the costs assessed in a disciplinary hearing pursuant to subsection (c)
5 of Code Section 26-4-28;
- 6 (7) Becoming unfit or incompetent to practice pharmacy by reason of:
- 7 (A) Intemperance in the use of alcoholic beverages, narcotics, or habit-forming drugs
8 or stimulants; or
- 9 (B) Any abnormal physical or mental condition which threatens the safety of persons
10 to whom such person may compound or dispense prescriptions, drugs, or devices or for
11 whom he or she might manufacture, prepare, or package or supervise the
12 manufacturing, preparation, or packaging of prescriptions, drugs, or devices;
- 13 (8) Being adjudicated to be mentally ill or insane;
- 14 (9) Violating any rules and regulations promulgated by the board;
- 15 (10) Promoting to the public in any manner a drug which may be dispensed only
16 pursuant to prescription;
- 17 ~~(11) Regularly employing the mails or other common carriers to sell, distribute, and~~
18 ~~deliver a drug which requires a prescription directly to a patient; however, this provision~~
19 ~~shall not prohibit the use of the mails or other common carriers to sell, distribute, and~~
20 ~~deliver a prescription drug directly to an institution;~~
- 21 ~~(12)~~(11) Unless otherwise authorized by law, dispensing or causing to be dispensed a
22 different drug or brand of drug in place of the drug or brand of drug ordered or prescribed
23 without the prior authorization of the practitioner ordering or prescribing the same;
- 24 ~~(13)~~(12) Violating or attempting to violate a statute, law, any lawfully promulgated rule
25 or regulation of this state, any other state, the board, the United States, or any other lawful
26 authority without regard to whether the violation is criminally punishable, which statute,
27 law, rule, or regulation relates to or in part regulates the practice of pharmacy, when the
28 licensee or applicant knows or should know that such action is violative of such statute,
29 law, or rule; or violating either a public or confidential lawful order of the board
30 previously entered by the board in a disciplinary hearing, consent decree, or license
31 reinstatement; or
- 32 ~~(14)~~(13) Having his or her license to practice pharmacy revoked, suspended, or annulled
33 by any lawful licensing authority of this or any other state, having disciplinary action
34 taken against him or her by any lawful licensing authority of this or any other state, or
35 being denied a license by any lawful licensing authority of this or any other state."

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SECTION 2.

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