

Senate Bill 397

By: Senators Goggans of the 7th, Thomas of the 54th, Stephens of the 27th, Balfour of the 9th, Unterman of the 45th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to
2 dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule
3 II controlled substance prescriptions, so as to change certain provisions relating to
4 requirements for transmitting prescriptions electronically or via facsimile; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing
9 prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled
10 substance prescriptions, is amended by striking paragraphs (1) and (5) of subsection (c) and
11 inserting in their respective places the following:

12 "(1) Electronically transmitted prescription drug orders shall be transmitted by the
13 practitioner or, in the case of a prescription drug order to be transmitted via facsimile, by
14 the practitioner or the practitioner's agent under supervision of the practitioner, to the
15 pharmacy of the patient's choice with no intervening person or intermediary having
16 access to the prescription drug order. For purposes of this paragraph, 'intervening person
17 or intermediary' shall not include a person who electronically formats or reconfigures data
18 or information for purposes of integrating into and between computer systems of
19 practitioners and pharmacists;"

20 "(5) An electronically encrypted, issued, or produced prescription drug order transmitted
21 from a practitioner to a pharmacist shall be considered a highly confidential transaction
22 and the said transmission, issuance, or production shall not be compromised by
23 unauthorized interventions, control, change, altering, manipulation, or accessing patient
24 record information by any other person or party in any manner whatsoever between the
25 time after the practitioner has electronically transmitted, issued, or produced a
26 prescription drug order and such order has been received by the pharmacy of the patient's

1 choice. For purposes of this paragraph, 'unauthorized interventions, control, change,
2 altering, manipulation, or accessing patient record information' shall not include
3 electronic formatting or reconfiguring of data or information for purposes of integrating
4 into and between computer systems of practitioners and pharmacists;”

5 **SECTION 2.**

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