

House Bill 1178

By: Representatives Hill of the 180th, Channell of the 116th, Cooper of the 41st, Brown of the 69th, Jenkins of the 8th, 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 provide for the establishment of a program through
3 which unused prescription drugs may be distributed for use by medically indigent persons;
4 to provide for a short title; to provide for definitions; to provide for a pilot program; to
5 provide for the establishment of rules and regulations; to provide for timelines; to provide
6 for limited liability; to provide for construction; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

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

12 **"ARTICLE 11**

13 26-4-190.

14 This article shall be known and may be cited as the 'Utilization of Unused Prescription
15 Medications Act.'

16 26-4-191.

17 As used in this article, the term:

18 (1) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules
19 I through V of Code Sections 16-13-25 through 16-13-29 and Schedules I through V of
20 21 C.F.R. Part 1308.

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

1 (3) 'Medically indigent person' means a person eligible to receive Medicaid or medicare
2 or a person who has no health insurance and who otherwise lacks reasonable means to
3 purchase prescribed medications.

4 26-4-192.

5 (a) The Georgia State Board of Pharmacy, the Department of Human Resources, and the
6 Department of Community Health shall jointly develop and implement a state-wide
7 program consistent with public health and safety standards through which unused
8 prescription drugs, other than prescription drugs defined as controlled substances, may be
9 transferred from health care facilities to pharmacies designated or approved by the
10 Department of Human Resources for the purpose of distributing the medications to
11 residents of this state who are medically indigent persons.

12 (b) The Georgia State Board of Pharmacy, the Department of Human Resources, and the
13 Department of Community Health shall be authorized to develop and implement a pilot
14 program to determine the safest and most beneficial manner of implementing the program
15 prior to the state-wide implementation of the program required in subsection (a) of this
16 Code section.

17 (c) The Georgia State Board of Pharmacy, the Department of Human Resources, and the
18 Department of Community Health shall jointly develop and promulgate rules and
19 regulations to establish procedures necessary to implement the program and pilot program,
20 if applicable, provided for in this Code section. The rules and regulations shall provide,
21 at a minimum:

22 (1) For an inclusionary formulary for the medications to be distributed pursuant to the
23 program;

24 (2) For the protection of the privacy of the individual for whom a medication was
25 originally prescribed;

26 (3) For the integrity and safe storage and safe transfer of the medications, which may
27 include, but shall not be limited to, limiting the drugs made available through the program
28 to those that were originally dispensed by unit dose or an individually sealed dose and
29 that remain in intact packaging; provided, however, that the rules and regulations shall
30 authorize the use of any remaining medications;

31 (4) For the tracking of and accountability for the medications; and

32 (5) For other matters necessary for the implementation of the program.

33 (d) The state-wide program required by this Code section shall be implemented no later
34 than January 1, 2007, unless a pilot program is implemented pursuant to subsection (b) of
35 this Code section, in which case state-wide implementation shall occur no later than July
36 1, 2008.

1 26-4-193.

2 In accordance with the rules and regulations promulgated pursuant to Code Section
3 26-4-192, the resident of a health care facility, or the representative or guardian of a
4 resident, may donate unused prescription medications, other than prescription drugs
5 defined as controlled substances, for dispensation to medically indigent persons.

6 26-4-194.

7 Physicians, pharmacists, other health care professionals, pharmacies, and health care
8 facilities shall not be subject to liability for participation in the program established
9 pursuant to this article when acting within the scope of practice of their respective licenses
10 and in good faith compliance with the rules and regulations promulgated pursuant to Code
11 Section 26-4-192.

12 26-4-195.

13 This article shall be construed in concert with Code Section 49-4-152.3."

14 **SECTION 2.**

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