

House Bill 1042 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Cooper of the 41<sup>st</sup>, Wilkinson of the 52<sup>nd</sup>, Rynders of the 152<sup>nd</sup>, Maddox of the 172<sup>nd</sup>, Dickson of the 6<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to prescription drugs, so as to prohibit a pharmacist from engaging in drug product  
3 selection or substitution for a patient undergoing immunosuppressive therapy to prevent  
4 transplant rejection without prior consent of the patient and prescribing physician; to provide  
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to  
9 prescription drugs, is amended by adding a new Code section to read as follows:

10 "26-4-91.

11 Notwithstanding any other provision of law, a pharmacist shall not engage in drug product  
12 selection or substitution of any pharmaceutical that is prescribed as part of  
13 immunosuppressive therapy for a patient that has received an organ or tissue transplant to  
14 inhibit or prevent immune system activity that might increase the probability of the  
15 rejection of such transplanted organs or tissues without first obtaining the consent of the  
16 patient and of the prescribing physician or his or her designee. If the pharmacist, after  
17 reasonable attempts, is unable to contact the prescribing physician as required under this  
18 Code section, the pharmacist may substitute a generically equivalent immunosuppressive  
19 drug for a period no longer than 96 hours until communication can be established with the  
20 prescribing physician or designee. In the event that a physician wants to specify a generic  
21 manufacturer for immunosuppressive drugs, such physician shall clearly indicate such  
22 designation on the prescription. Maximum allowable cost pricing shall not be imposed on  
23 the immunosuppressive drug products described in this Code section."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.