

The Senate Health and Human Services Committee offered the following substitute to HB 1042:

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 that a brand necessary indication applies to refills; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "26-4-91.

12 Notwithstanding any other provision of law, a pharmacist shall not engage in drug product
13 selection or substitution of any pharmaceutical that is prescribed as part of
14 immunosuppressive therapy for a patient that has received an organ or tissue transplant to
15 inhibit or prevent immune system activity that might increase the probability of the
16 rejection of such transplanted organs or tissues without first obtaining the consent of the
17 patient and of the prescribing physician or his or her designee as provided in subsection (g)
18 of Code Section 26-4-81. If the pharmacist, after reasonable attempts, is unable to contact
19 the prescribing physician as required under this Code section, the pharmacist may
20 substitute a generically equivalent immunosuppressive drug for a period of no longer than
21 96 hours until communication can be established with the prescribing physician or
22 designee. A physician may specify a generic manufacturer for immunosuppressive drugs
23 by indicating such designation on the prescription. Maximum allowable cost pricing shall
24 not be imposed on the immunosuppressive drug products described in this Code section."

SECTION 2.

Said article is further amended by revising subsection (g) of Code Section 26-4-81, relating to substitution of generic drugs for name brand drugs, as follows:

"(g) A practitioner of the healing arts may instruct the pharmacist not to substitute a generic name drug in lieu of a brand name drug by including the words 'brand necessary' in the body of the prescription. When a prescription is a hard copy prescription drug order, such indication of brand necessary must be in the practitioner's own handwriting and shall not be printed, applied by rubber stamp, or any such similar means. Such indication by a practitioner of the healing arts shall apply to all refills of such prescription."

SECTION 3.

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