

House Bill 523

By: Representatives Lunsford of the 110<sup>th</sup>, Cooper of the 41<sup>st</sup>, Harbin of the 118<sup>th</sup>, Randall of the 138<sup>th</sup>, Jerguson of the 22<sup>nd</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 provide that a brand necessary indication applies to  
3 refills; to prohibit a pharmacist from engaging in drug product selection or substitution for  
4 a patient undergoing immunosuppressive therapy to prevent transplant rejection without prior  
5 consent of the patient and prescribing physician; 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 revising subsection (g) of Code Section 26-4-81, relating  
11 to substitution of generic drugs for name brand drugs, as follows:

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

18 **SECTION 2.**

19 Said article is further is further amended by adding a new Code section to read as follows:

20 "26-4-91.

21 Notwithstanding any other provision of law, a pharmacist shall not engage in drug product  
22 selection or substitution of any pharmaceutical that is prescribed as part of  
23 immunosuppressive therapy for a patient that has received an organ or tissue transplant to  
24 inhibit or prevent immune system activity that might increase the probability of the  
25 rejection of such transplanted organs or tissues without first obtaining the consent of the

26 patient and of the prescribing physician or his or her designee. If the pharmacist, after  
27 reasonable attempts, is unable to contact the prescribing physician as required under this  
28 Code section, the pharmacist may substitute a generically equivalent immunosuppressive  
29 drug for a period of no longer than 72 hours until communication can be established with  
30 the prescribing physician or designee. A physician may specify a generic manufacturer for  
31 immunosuppressive drugs by indicating such designation on the prescription. This Code  
32 section shall not apply to a pharmacist who is a member of the staff of and dispenses drugs  
33 from the pharmacy of a hospital issued a permit as an institution under Code  
34 Section 31-7-1."

35 **SECTION 3.**

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