

Senate Bill 209

By: Senators Hawkins of the 49th, Goggans of the 7th and Thomas of the 54th

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 limit a pharmacist from substituting a drug as part of
3 immunosuppressive therapy; to provide for related matters; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

9 "26-4-81.1.

10 A pharmacist shall not engage in substitution of any drug prescribed to inhibit or prevent
11 immune system activity as part of immunosuppressive therapy for a patient who has
12 received an organ or tissue transplant that might increase the probability of the rejection
13 of such transplant without the consent of the prescribing physician. If the pharmacist, after
14 reasonable attempts, is unable to contact the prescribing physician as required under this
15 Code section, the pharmacist may substitute a generically equivalent immunosuppressive
16 drug for a period of no longer than 96 hours. When permitted by this Code section, a
17 pharmacist may substitute a generic version by one manufacturer for a generic version by
18 another manufacturer if both versions are AB rated by the federal Food and Drug
19 Administration. This Code section shall not apply to a pharmacist who is a member of the
20 staff of and dispenses drugs from the pharmacy of a hospital issued a permit as an
21 institution under Code Section 31-7-1."

22 style="text-align:center">**SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.