

The House Committee on Health and Human Services offers the following substitute to HB 523:

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 A pharmacist shall not engage in drug product selection or substitution of any  
12 pharmaceutical that is prescribed as part of immunosuppressive therapy for a patient that  
13 has received an organ or tissue transplant to inhibit or prevent immune system activity that  
14 might increase the probability of the rejection of such transplanted organs or tissues  
15 without first obtaining the consent of the patient and of the prescribing physician or his or  
16 her designee. If the pharmacist, after reasonable attempts, is unable to contact the  
17 prescribing physician as required under this Code section, the pharmacist may substitute  
18 a generically equivalent immunosuppressive drug for a period of no longer than 72 hours  
19 until communication can be established with the prescribing physician or his or her  
20 designee. A physician, in consultation with the patient, may specify a generic  
21 manufacturer for immunosuppressive drugs by indicating such designation on the  
22 prescription. This Code section shall not apply to a pharmacist who is a member of the  
23 staff of and dispenses drugs from the pharmacy of a hospital issued a permit as an  
24 institution under Code Section 31-7-1."

25

**SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.