

House Bill 469

By: Representatives Bearden of the 68th, Cooper of the 41st, Powell of the 171st, and Purcell of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
2 pharmacists and pharmacies, so as to require that all hard copy prescriptions be on security
3 paper; to redefine the term "security paper" and provide for approval of such paper prior to
4 sale by the State Board of Pharmacy; to provide for exceptions; to provide for rules and
5 regulations; to require identification from persons picking up certain prescriptions; to limit
6 the number of units of Schedule II through Schedule IV drugs which may be obtained
7 through a single prescription; to provide for other related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
12 pharmacies, is amended in Code Section 26-4-5, relating to definitions applicable to said
13 chapter, by revising paragraph (38.5) as follows:

14 "(38.5) 'Security paper' means a prescription pad or paper that has been approved by the
15 board for use and contains the following characteristics:

16 (A) One or more industry recognized features designed to prevent unauthorized
17 copying of a completed or blank prescription form;

18 (B) One or more industry recognized features designed to prevent the erasure or
19 modification of information written on the prescription form by the practitioner; and

20 (C) One or more industry recognized features designed to prevent the use of counterfeit
21 prescription forms.

22 Where security paper is in the form of a prescription pad, each pad shall bear an
23 identifying lot number, and each piece of paper in the pad shall be numbered sequentially
24 beginning with the number one. ~~paper utilizing security features on which the electronic~~
25 ~~visual image prescription drug order of a practitioner is printed and presented to a patient~~
26 ~~so as to ensure that the prescription drug order is not subject to any form of copying,~~

27 ~~reproduction, or alteration, or any combination of copying, reproduction, or alteration,~~
 28 ~~and may include a watermark produced by the electronic digital process when a~~
 29 ~~prescription is printed to clearly show if a prescription has been reproduced or copied in~~
 30 ~~an unauthorized manner."~~

31 **SECTION 2.**

32 Said chapter is further amended in Code Section 26-4-80, relating to dispensing of
 33 prescription drugs, by revising subsection (l) as follows:

34 "(l) A Schedule II controlled substance prescription drug order in written form signed in
 35 indelible ink by the practitioner may be accepted by a pharmacist and the Schedule II
 36 controlled substance may be dispensed by such pharmacist. Other forms of Schedule II
 37 controlled substance prescription drug orders may be accepted by a pharmacist and the
 38 Schedule II controlled substance may be dispensed by such pharmacist in accordance with
 39 regulations promulgated by the board and in accordance with DEA regulations found in 21
 40 C.F.R. 1306. A pharmacist shall require a person picking up a Schedule II controlled
 41 substance prescription to present a government issued photo identification document or
 42 such other form of identification document as may be authorized by rules adopted by the
 43 board. If the person picking up the prescription is someone other than the person to whom
 44 the prescription was issued, the identification document shall be copied or converted to a
 45 digital image by the pharmacy, and the copy or digital image shall be maintained with the
 46 pharmacy's other records relating to the prescription."

47 **SECTION 3.**

48 Said chapter is further amended by adding new Code Sections 26-4-80.1 and 26-4-80.2 to
 49 read as follows:

50 "26-4-80.1.

51 (a) Effective October 1, 2011, every hard copy prescription drug order written in this state
 52 by a practitioner must be written on security paper.

53 (b) A pharmacist shall not fill a hard copy prescription drug order from a practitioner
 54 unless it is written on security paper, except that a pharmacist may provide emergency
 55 supplies in accordance with the board and other insurance contract requirements.

56 (c) If a hard copy of an electronic data prescription drug order is given directly to the
 57 patient, the manually signed hard copy prescription drug order must be on approved
 58 security paper that meets the requirements of paragraph (38.5) of Code Section 26-4-5.

59 (d) Practitioners shall employ reasonable safeguards to assure against theft or unauthorized
 60 use of security paper and shall promptly report to appropriate authorities any theft or
 61 unauthorized use.

62 (e) All vendors shall have their security paper approved by the board prior to marketing
63 or sale in this state

64 (f) The board shall create a seal of approval that confirms that security paper contains all
65 three industry recognized characteristics required by paragraph (38.5) of Code Section
66 26-4-5. The seal shall be affixed to all security paper used in this state.

67 (g) The board may adopt rules necessary for the administration of this Code section.

68 (h) The security paper requirements in this Code section shall not apply to:

69 (1) Prescriptions that are transmitted to the pharmacy by telephone, facsimile, or
70 electronic means; or

71 (2) Prescriptions written for inpatients of a hospital, outpatients of a hospital, residents
72 of a nursing home, inpatients or residents of a mental health facility, or individuals
73 incarcerated in a local, state, or federal correctional facility when the health care
74 practitioner authorized to write prescriptions writes the order into the patient's medical
75 or clinical record, the order is given directly to the pharmacy, and the patient never has
76 the opportunity to handle the written order.

77 26-4-80.2.

78 Effective July 1, 2011, a pharmacist shall not fill a prescription drug order for more than
79 60 units of any drug in Schedules II through IV listed in Code Sections 16-13-26 through
80 16-13-28 and Schedules II through IV of 21 C.F.R. Part 1308."

81 **SECTION 4.**

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