

House Bill 457 (COMMITTEE SUBSTITUTE)

By: Representatives Stephens of the 164th, Cooper of the 41st, Channell of the 116th, Parrish of the 156th, and Randall of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 and Chapter 4 of Title 26 of the Official Code of Georgia
2 Annotated, relating to controlled substances and pharmacists and pharmacies, respectively,
3 so as to authorize the use of remote automated medication systems; to provide for a
4 definition; to provide for the establishment of regulations and minimum standards by the
5 State Board of Pharmacy; to authorize pharmacists to dispense prescriptions through a
6 remote automated medication system; to provide that a remote automated medication system
7 shall not be considered a vending machine for certain purposes; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
12 substances, is amended in Code Section 16-13-41, relating to prescriptions, by adding a new
13 subsection to read as follows:

14 "(i)(1) Pharmacists may dispense prescriptions from a remote location for the benefit of
15 an institution that uses a remote automated medication system in accordance with the
16 requirements set forth in the rules and regulations adopted by the State Board of
17 Pharmacy pursuant to paragraph (12.1) of subsection (a) of Code Section 26-4-28."

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

19 Said chapter is further amended in Code Section 16-13-75, relating to drugs to be kept in the
20 original container, as follows:

21 "16-13-75.

22 (a) Possession and control of controlled substances or dangerous drugs by anyone other
23 than the individuals specified in Code Section 16-13-35 or 16-13-72 shall be legal only if
24 such drugs are in the original container in which they were dispensed by the pharmacist or
25 the practitioner of the healing arts and are labeled according to Code Section 26-3-8.

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26 (b) The possession, filling, and use of canisters for remote automated medication systems
 27 pursuant to subsection (i) of Code Section 16-13-41 shall not be considered a violation of
 28 this Code section."

29 **SECTION 3.**

30 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
 31 pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding a new
 32 paragraph to read as follows:

33 "(37.1) 'Remote automated medication system' means an automated mechanical system
 34 that is located in an institution that does not have an on-site pharmacy and in which
 35 medication may be dispensed in a manner that may be specific to a patient."

36 **SECTION 4.**

37 Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and
 38 authority of the State Board of Pharmacy, by adding a new paragraph to subsection (a) to
 39 read as follows:

40 "(12.1) The licensure for the use of remote automated medication systems and the
 41 regulation and establishment of minimum standards for the use and operation of remote
 42 automated medication systems to ensure safe and efficient dispensing, including, but not
 43 limited to, appropriate security measures, requirements for institutions that utilize such
 44 systems, training requirements, accuracy and quality assurance measures, recordkeeping
 45 requirements, and such other appropriate requirements as determined by the board. The
 46 board shall establish rules and regulations to implement the requirements of this
 47 paragraph no later than December 31, 2011;"

48 **SECTION 5.**

49 Said chapter is further amended in Code Section 26-4-80, relating to dispensing prescription
 50 drugs, by adding a new subsection to read as follows:

51 "(p) Pharmacists dispensing prescriptions pursuant to a remote automated medication
 52 system in accordance with the rules and regulations adopted by the State Board of
 53 Pharmacy pursuant to paragraph (12.1) of subsection (a) of Code Section 26-4-28 shall be
 54 considered in compliance with this Code section."

55 **SECTION 6.**

56 Said chapter is further amended in Code Section 26-4-89, relating to the prohibition on
 57 selling drugs in vending machines, as follows:

58 "26-4-89.

59 (a) Any person who shall sell or dispense drugs by the use of vending machines shall be
60 guilty of a misdemeanor.

61 (b) A remote automated medication system shall not be considered a vending machine for
62 purposes of this Code section."

63 **SECTION 7.**

64 This Act shall become effective upon its approval by the Governor or upon its becoming law
65 without such approval.

66 **SECTION 8.**

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