

Senate Bill 380

By: Senators Carter of the 1st, Bethel of the 54th and Ligon, Jr. of the 3rd

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 pharmacist and pharmacies, so as to provide for a change to the definition of security paper;  
3 to provide for certain revisions to the powers, duties, and authority of the state board of  
4 pharmacy; to authorize the Georgia Drugs and Narcotics Agency to accept certain funds; to  
5 provide for a definition of valid prescription orders; to remove certain requirements for  
6 vendors and seals of approval; to provide for related matters; to provide for an effective date;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
11 pharmacies, is amended by revising paragraph (38.5) of Code Section 26-4-5, relating to the  
12 definition of security paper, as follows:

13 "(38.5) 'Security paper' means a prescription pad or paper that has been approved by the  
14 board for use and;

15 (A) Contains ~~contains~~ the following characteristics:

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

18 ~~(B)(ii)~~ (ii) 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)(iii)~~ (iii) One or more industry recognized features designed to prevent the use of  
21 counterfeit 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; ~~or~~

25 (B) Meets the requirements of the United States Centers for Medicare and Medicaid  
26 Services (CMS) for a tamper-resistant prescription."

27 **SECTION 2.**

28 Said chapter is further amended by revising paragraph (6) of subsection (a) of Code  
 29 Section 26-4-28, relating to the power, duty, and authority of the state board of pharmacy  
 30 over the licensure and regulation of pharmacies and pharmacy interns, as follows:

31 "(6) The licensure and regulation of pharmacies in this state and any state that sell,  
 32 dispenses, distribute, or deliver drugs to persons residing in this state and pharmacy  
 33 interns;"

34 **SECTION 3.**

35 Said chapter is further amended by adding a new subsection to Code Section 26-4-29,  
 36 relating to the Georgia Drugs and Narcotics Agency continuance, appointment, requirements,  
 37 duties of director, power to make arrests, report of violations of drug laws, and dangerous  
 38 drug list, to read as follows:

39 "(f) The Georgia Drugs and Narcotics Agency is authorized to accept donations,  
 40 contributions, grants, or bequests of funds or property, including funds or property from  
 41 the disposition of forfeited property."

42 **SECTION 4.**

43 Said chapter is further amended by revising subsection (b) of Code Section 26-4-80,  
 44 dispensing of valid prescription drug orders, as follows:

45 "(b) Prescription drugs shall be dispensed only pursuant to a valid prescription drug order.  
 46 A pharmacist shall not dispense a prescription which the pharmacist knows or should know  
 47 is not a valid prescription. As used in this subsection, the term 'valid prescription drug  
 48 order' means a prescription drug order issued by a physician, dentist, podiatrist,  
 49 veterinarian, or other person licensed, registered, or otherwise authorized under the laws  
 50 of this state, or any other state or territory of the United States, to prescribe dangerous  
 51 drugs and controlled substances."

52 **SECTION 5.**

53 Said chapter is further amended by revising Code Section 26-4-80.1, relating to use of  
 54 security paper for hard copy prescription drug orders, as follows:

55 "26-4-80.1.

56 (a) Effective October 1, 2011, every hard copy prescription drug order for any Schedule  
 57 II controlled substance written in this state by a practitioner must be written on security  
 58 paper.

59 (b) A pharmacist shall not fill a hard copy prescription drug order for any Schedule II  
 60 controlled substance from a practitioner unless it is written on security paper, except that

61 a pharmacist may provide emergency supplies in accordance with the board and other  
62 insurance contract requirements.

63 (c) If a hard copy of an electronic data prescription drug order for any Schedule II  
64 controlled substance is given directly to the patient, the manually signed hard copy  
65 prescription drug order must be on approved security paper that meets the requirements of  
66 paragraph (38.5) of Code Section 26-4-5.

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

70 ~~(e) All vendors shall have their security paper approved by the board prior to marketing  
71 or sale in this state.~~

72 ~~(f) The board shall create a seal of approval that confirms that security paper contains all  
73 three industry recognized characteristics required by paragraph (38.5) of Code Section  
74 26-4-5. The seal shall be affixed to all security paper used in this state.~~

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

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

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

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

85 **SECTION 6.**

86 This Act shall become effective on July 1, 2012.

87 **SECTION 7.**

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