

House Bill 952

By: Representatives Neal of the 1<sup>st</sup>, Cooper of the 41<sup>st</sup>, and Tankersley of the 158<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to  
2 definitions applicable to pharmacists and pharmacies, so as to provide for definitions of  
3 certain opioid drugs; to amend Code Section 26-4-28 of the Official Code of Georgia  
4 Annotated, relating to powers, duties, and authority of the State Board of Pharmacy, so as  
5 to authorize the State Board of Pharmacy to approve and designate certain opioid products  
6 that utilize tamper resistance technologies; to amend Code Section 26-4-81 of the Official  
7 Code of Georgia Annotated, relating to substitution of generic drugs for brand name drugs,  
8 so as to provide for instructions from physicians to pharmacists relating to the use of tamper  
9 resistant technologies; to provide for related matters; to provide an effective date; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to definitions  
14 applicable to pharmacists and pharmacies, is revised by adding two new paragraphs to read  
15 as follows:

16 "(24.1) 'Opioid analgesic drug' means a drug in the opioid analgesic drug class prescribed  
17 to treat moderate to severe pain or other conditions, whether in immediate release or  
18 extended release form and whether combined with other drug substances to form a single  
19 tablet or other dosage form.

20 (24.2) 'Opioid analgesic drug incorporating tamper resistant technology' means an opioid  
21 analgesic drug listed by the State Board of Pharmacy based upon a submission of  
22 evidence by the drug manufacturer or distributor that the drug:

23 (A) Incorporates a tamper resistance technology; and

24 (B) Has been approved by the United States Food and Drug Administration pursuant  
25 to an application that includes:

26 (i) At least one human tampering or abuse potential study; or

27 (ii) A laboratory study comparing the tamper or abuse resistance properties of the  
 28 drug to one or more opioid analgesic drugs that have previously been approved by the  
 29 United States Food and Drug Administration as a positive control."

30 **SECTION 2.**

31 Code Section 26-4-28 of the Official Code of Georgia Annotated, relating to powers, duties,  
 32 and authority of the State Board of Pharmacy, is amended by revising subsection (a) by  
 33 deleting "and" at the end of paragraph (20), by replacing the period with "; and" at the end  
 34 of paragraph (21), and by adding a new paragraph to read as follows:

35 "(22) The designation of certain opioid products as opioid analgesic drugs incorporating  
 36 tamper resistant technology."

37 **SECTION 3.**

38 Code Section 26-4-81 of the Official Code of Georgia Annotated, relating to substitution of  
 39 generic drugs for brand name drugs, is amended by revising subsection (g) and by adding a  
 40 new subsection to read as follows:

41 "(g) A practitioner of the healing arts may ~~instruct~~:

42 (1) ~~Instruct~~ the pharmacist not to substitute a generic name drug in lieu of a brand name  
 43 drug by including the words 'brand necessary' in the body of the prescription. When a  
 44 prescription is a hard copy prescription drug order, such indication of brand necessary  
 45 must be in the practitioner's own handwriting and shall not be printed, applied by rubber  
 46 stamp, or any such similar means. When the prescription is an electronic prescription  
 47 drug order, the words 'brand necessary' are not required to be in the practitioner's own  
 48 handwriting and may be included on the prescription in any manner or by any method.  
 49 When a practitioner has designated 'brand necessary' on an electronic prescription drug  
 50 order, a generic drug shall not be substituted without the practitioner's express consent,  
 51 which shall be documented by the pharmacist on the prescription and by the practitioner  
 52 in the patient's medical record.

53 (2) ~~Require a pharmacist dispensing an opioid analgesic drug to incorporate tamper~~  
 54 ~~resistant technology by:~~

55 (A) ~~Writing the words 'TRF necessary' in the body of the prescription; or~~

56 (B) ~~Checking a box on the prescription with the designation 'tamper resistant~~  
 57 ~~formulation required.'~~

58 (h) ~~The State Board of Pharmacy shall create a list of opioid analgesic drugs incorporating~~  
 59 ~~tamper resistant technology. Inclusion of a drug on such list shall not require that the drug~~  
 60 ~~bear a label purporting to reduce tampering abuse or abuse potential at the time of listing.~~  
 61 ~~Such list shall also indicate which opioid analgesic drugs are listed as opioid analgesic~~

62 drugs incorporating tamper resistant technology based solely upon evidence submitted by  
63 the drug manufacturer."

64 **SECTION 4.**

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

67 **SECTION 5.**

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