

Senate Bill 378

By: Senators Carter of the 1st, Williams of the 19th, McKoon of the 29th, Bethel of the 54th and Jackson of the 2nd

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to revise a definition; to provide for certain changes to the
3 definition of written prescriptions for dangerous drugs; to add to provisions concerning
4 unlawful offering or selling of certain drugs; to provide for increase of penalties for violation
5 of certain laws; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
10 substances, is amended by revising paragraph (23) of Code Section 16-13-21, relating to
11 definitions, as follows:

12 "(23) 'Practitioner' means:

13 (A) A physician, dentist, pharmacist, podiatrist, scientific investigator, veterinarian, or
14 other person licensed, registered, or otherwise authorized under the laws of this state
15 or any other state or territory in the United States to distribute, dispense, conduct
16 research with respect to, or ~~to~~ administer a controlled substance in the course of
17 professional practice or research in this state;

18 (B) A pharmacy, hospital, or other institution licensed, registered, or otherwise
19 authorized by law to distribute, dispense, conduct research with respect to, or ~~to~~
20 administer a controlled substance in the course of professional practice or research in
21 this state;

22 (C) An advanced practice registered nurse acting pursuant to the authority of Code
23 Section 43-34-25. For purposes of this chapter and Code Section 43-34-25, an
24 advanced practice registered nurse is authorized to register with the federal Drug
25 Enforcement Administration and appropriate state authorities; or

26 (D) A physician assistant acting pursuant to the authority of subsection (e.1) of Code
 27 Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code
 28 Section 43-34-103, a physician assistant is authorized to register with the federal Drug
 29 Enforcement Administration and appropriate state authorities."

30 SECTION 2.

31 Said chapter is further amended by revising Code Section 16-13-74, relating to written
 32 prescriptions for dangerous drugs, content, and signature, as follows:

33 "16-13-74.

34 (a) All written prescription drug orders for dangerous drugs and controlled substances shall
 35 be dated as of, and be signed on, the date when issued and shall bear the name and address
 36 of the patient, together with the name and strength of the drug, the quantity to be dispensed,
 37 complete directions for administration, the printed name, address, and telephone number
 38 of the practitioner, and the number of permitted refills. A prescription drug order for a
 39 dangerous drug is not required to bear the DEA permit number of the prescribing
 40 practitioner. A prescription drug order for a dangerous drug or controlled substance may
 41 be prepared by the practitioner or the practitioner's agent. The practitioner's signature must
 42 appear on each prescription prepared by the practitioner or the practitioner's agent and the
 43 nature of the practitioner's signature must meet the guidelines set forth in Chapter 4 of
 44 Title 26, the regulations promulgated by the State Board of Pharmacy, or both such
 45 guidelines and regulations. Any practitioner who shall dispense dangerous drugs or
 46 controlled substances shall comply with the provisions of Code Section 16-13-73. This
 47 subsection shall not apply to prescription drug orders written for and administered to
 48 hospital patients.

49 (b) Any practitioner of the healing arts who fails to comply with subsection (a) of this
 50 Code section shall be guilty of a misdemeanor."

51 SECTION 3.

52 Said chapter is further amended by revising Code Section 16-13-78.2, relating to possession,
 53 manufacture, delivery, distribution, or sale of counterfeit substances, as follows:

54 "16-13-78.2.

55 (a) Except as authorized by this article, it is unlawful for any person to possess, have under
 56 his or her control, manufacture, deliver, distribute, dispense, administer, sell, offer or
 57 attempt to sell, or possess with intent to distribute a drug that is marked as a drug sample,
 58 adulterated, or misbranded; or a counterfeit substance as defined by Code Section 16-13-21
 59 or under the provisions of the Federal Food, Drug, and Cosmetic Act. Any person who
 60 violates this Code section shall be guilty of a ~~misdemeanor~~ felony and upon conviction

61 thereof shall be punished by not less than five years imprisonment or by a fine not to
62 exceed \$100,000.00 or both.
63 (b) This Code section shall not apply to drug samples lawfully possessed by any
64 practitioner or facility for distribution or dispensing to patients at no cost."

65 **SECTION 4.**

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