

Senate Bill 194

By: Senators Jeffares of the 17th, Millar of the 40th, Watson of the 1st, Burke of the 11th,
Mullis of the 53rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding pharmacists and pharmacies, so as to provide that
3 certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility
4 engaged solely in the distribution of dialysate, drugs, or devices necessary to perform home
5 kidney dialysis to patients with end stage renal disease, provided that certain criteria are met;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding pharmacists and pharmacies, is amended by adding a new Code
11 section to read as follows:

12 "26-4-6.

13 The provisions of this chapter shall not apply to a facility engaged solely in the distribution
14 of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with
15 end stage renal disease, provided that the following criteria are met:

16 (1) The dialysate, drugs, or devices are approved or cleared by the federal Food and Drug
17 Administration as required by federal law;

18 (2) The dialysate, drugs, or devices are lawfully held by a manufacturer or
19 manufacturer's agent that is properly registered with the board as a manufacturer or
20 wholesale distributor;

21 (3) The dialysate, drugs, or devices are held and delivered in their original, sealed
22 packaging from the manufacturing facility;

23 (4) The dialysate, drugs, or devices are delivered only by the manufacturer or the
24 manufacturer's agent and only upon receipt of a physician's order; and

25 (5) The manufacturer or manufacturer's agent delivers the dialysate, drugs, or devices
26 directly to:

27 (A) A patient with end stage renal disease or such patient's designee for the patient's
28 self-administration of the dialysis therapy; or
29 (B) A health care provider or institution for administration or delivery of the dialysis
30 therapy to a patient with end stage renal disease."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.