

Senate Bill 121

By: Senators Miller of the 49th, Unterman of the 45th, Walker III of the 20th, Martin of the 9th, Kirk of the 13th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to pharmacies, so as to provide that the state health officer may issue a standing
3 order permitting certain persons and entities to obtain opioid antagonists under the conditions
4 the state health officer may impose; to provide for immunity; to amend Chapter 13 of Title
5 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to
6 change the definition of a dangerous drug; to add a drug to Schedule V; to provide for a short
7 title; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Jeffrey Dallas Gay, Jr., Act."

11 **SECTION 2.**

12 Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
13 pharmacies, is amended by revising Code Section 26-4-116.2, relating to authority of
14 licensed health practitioners to prescribe opioid antagonists and immunity from liability, as
15 follows:

16 "26-4-116.2.

17 (a) As used in this Code section, the term:

18 (1) 'First responder' means any person or agency who provides on-site care until the
19 arrival of a duly licensed ambulance service. This shall include, but not be limited to,
20 persons who routinely respond to calls for assistance through an affiliation with law
21 enforcement agencies, fire departments, and rescue agencies.

22 (2) 'Harm reduction organization' means an organization which provides direct assistance
23 and services, such as syringe exchanges, counseling, homeless services, advocacy, drug
24 treatment, and screening, to individuals at risk of experiencing an opioid related
25 overdose.

26 (3) 'Opioid antagonist' means any drug that binds to opioid receptors and blocks or
 27 inhibits the effects of opioids acting on those receptors and that is approved by the federal
 28 Food and Drug Administration for the treatment of an opioid related overdose.

29 (4) 'Opioid related overdose' means an acute condition, including, but not limited to,
 30 extreme physical illness, decreased level of consciousness, respiratory depression, coma,
 31 mania, or death, resulting from the consumption or use of an opioid or another substance
 32 with which an opioid was combined or that a layperson would reasonably believe to be
 33 resulting from the consumption or use of an opioid or another substance with which an
 34 opioid was combined for which medical assistance is required.

35 (5) 'Pain management clinic' means a clinic licensed pursuant to Article 10 of Chapter 34
 36 of Title 43.

37 (6) 'Practitioner' means a physician licensed to practice medicine in this state.

38 (b) The following persons may prescribe an opioid antagonist:

39 (1) A practitioner acting in good faith and in compliance with the standard of care
 40 applicable to that practitioner may prescribe an opioid antagonist for use in accordance
 41 with a protocol specified by such practitioner to a person at risk of experiencing an opioid
 42 related overdose or to a pain management clinic, first responder, harm reduction
 43 organization, family member, friend, or other person in a position to assist a person at risk
 44 of experiencing an opioid related overdose; or

45 (2) The state health officer may issue a standing order permitting certain persons and
 46 entities, or categories of persons or entities, to obtain opioid antagonists under such
 47 conditions as the state health officer may impose. Such an order shall have state-wide
 48 effect.

49 (c) A pharmacist acting in good faith and in compliance with the standard of care
 50 applicable to pharmacists may dispense opioid antagonists pursuant to a prescription issued
 51 in accordance with subsection (b) of this Code section.

52 (d) A person acting in good faith and with reasonable care to another person whom he or
 53 she believes to be experiencing an opioid related overdose may administer an opioid
 54 antagonist that was prescribed pursuant to subsection (b) of this Code section in accordance
 55 with the protocol specified by the practitioner or state health officer.

56 (e) The following individuals are immune from any civil or criminal liability or
 57 professional licensing sanctions for the following actions authorized by this Code section:

58 (1) Any practitioner acting in good faith and in compliance with the standard of care
 59 applicable to that practitioner who prescribes an opioid antagonist pursuant to subsection
 60 (b) of this Code section;

61 (2) Any practitioner or pharmacist acting in good faith and in compliance with the
 62 standard of care applicable to that practitioner or pharmacist who dispenses an opioid

63 antagonist pursuant to a prescription issued in accordance with paragraph (1) of
 64 subsection (b) of this Code section; and
 65 (3) The state health officer acting pursuant to paragraph (2) of subsection (b) of this Code
 66 section; and
 67 ~~(3)~~(4) Any person acting in good faith, other than a practitioner, who administers an
 68 opioid antagonist pursuant to subsection (d) of this Code section.
 69 (f) Pursuant to any standing order issued under paragraph (2) of subsection (b) of this
 70 Code section, every pharmacy operating in this state shall keep a copy of the standing order
 71 issued by the state health officer and shall keep a record of every opioid antagonist
 72 dispensed pursuant to such standing order. Each record shall include the name of the
 73 purchaser, and the personal information of such purchaser shall include such purchaser's
 74 name and address, including the city, state, and ZIP Code. Such record shall be maintained
 75 by the pharmacy for two years. Nothing in this subsection shall prevent such record from
 76 being maintained electronically. Pharmacists shall not be required to submit this
 77 information to the Prescription Drug Monitoring Program. Such standing order shall not
 78 require pharmacies in this state to maintain opioid antagonists in their biennial inventories."

79 **SECTION 3.**

80 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
 81 substances, is amended by revising Code Section 16-13-29, relating to Schedule V, as
 82 follows:

83 "16-13-29.

84 The controlled substances listed in this Code section are included in Schedule V:

85 (1) Any compound, mixture, or preparation containing limited quantities of any of the
 86 following narcotic drugs, or salts thereof, which also contains one or more nonnarcotic,
 87 active, medicinal ingredients in sufficient proportion to confer upon the compound,
 88 mixture, or preparation valuable medicinal qualities other than those possessed by the
 89 narcotic drug alone:

90 (A) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or
 91 per 100 grams;

92 (B) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100
 93 milliliters or per 100 grams;

94 (C) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100
 95 milliliters or per 100 grams;

96 (D) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms
 97 of atropine sulfate per dosage unit;

98 (E) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

- 99 (2) Lacosamide;
- 100 (3) Pregabalin;
- 101 (4) Pyrovalerone;
- 102 (5) Pseudoephedrine as an exempt over-the-counter Schedule V controlled substance
 103 distributed in the same manner as set forth in Code Section 16-13-29.2; provided,
 104 however, that such exemption shall take effect immediately and shall not require
 105 ~~rulemaking~~ rule making by the State Board of Pharmacy; provided, further, that
 106 wholesale drug distributors located within this state and licensed by the State Board of
 107 Pharmacy and which are registered and regulated by the DEA shall not be subject to any
 108 board requirements for controlled substances for the storage, reporting, record keeping,
 109 or physical security of drug products containing pseudoephedrine which are more
 110 stringent than those included in DEA regulations; ~~or~~
- 111 (6) Ezogabine; or
- 112 (7) Naloxone or any opioid antagonist as identified by the State Board of Pharmacy as
 113 an exempt Schedule V controlled substance, which shall require rule making by the State
 114 Board of Pharmacy and such rule shall require such substance to be sold only in a
 115 pharmacy. Such rule shall further authorize pharmacists and pharmacy interns and
 116 externs under the supervision of a licensed pharmacist to dispense naloxone only with a
 117 prescription by a licensed practitioner or under a standing order issued pursuant to Code
 118 Section 26-4-116.2."

119 **SECTION 4.**

120 Said chapter is further amended by revising paragraph (635) of subsection (b) of Code
 121 Section 16-13-71, relating to the definition of a dangerous drug, as follows:

122 "(635) ~~Naloxone~~ Reserved;"

123 **SECTION 5.**

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