

The Senate Committee on Health and Human Services offered the following substitute to SB 46:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 authorize certain medical personnel to administer vaccines during public health emergencies
3 under certain conditions; to provide for vaccination information to third parties under certain
4 public health conditions; to amend Article 2 of Chapter 34 of Title 43 of the Official Code
5 of Georgia Annotated, relating to medical practice, so as to revise certain provisions relating
6 to the administration of vaccines under vaccine protocol agreements; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
11 Code Section 31-11-53, relating to services which may be rendered by certified emergency
12 medical technicians and trainees, as follows:

13 "31-11-53.

14 (a) Upon certification by the department, emergency medical technicians may do any of
15 the following:

- 16 (1) Render first-aid and resuscitation services as taught in the United States Department
17 of Transportation basic training courses for emergency medical technicians or an
18 equivalent course approved by the department; and
- 19 (2) Upon the order of a duly licensed physician, administer approved intravenous
20 solutions and opioid antagonists; and
- 21 (3) Upon the order of a duly licensed physician during a declared public health
22 emergency, as defined in Code Section 31-12-1.1, administer vaccines.
- 23 (b) While in training preparatory to becoming certified, emergency medical technician
24 trainees may perform any of the functions specified in this Code section under the direct
25 supervision of a duly licensed physician or a registered nurse."

26

SECTION 2.

27 Said title is further amended by revising Code Section 31-11-55, relating to services which
28 may be rendered by certified cardiac technicians and trainees, as follows:

29 "31-11-55.

30 (a) Upon certification by the department, cardiac technicians may do any of the following:

31 (1) Render first-aid and resuscitation services;

32 (2) Upon the order of a duly licensed physician and as recommended by the Georgia
33 Emergency Medical Services Advisory Council and approved by the department:

34 (A) Perform cardiopulmonary resuscitation and defibrillation in a hemodynamically
35 unstable patient;

36 (B) Administer approved intravenous solutions;

37 (C) Administer parenteral injections of antiarrhythmic agents, vagolytic agents,
38 chronotropic agents, alkalizing agents, analgesic agents, and vasopressor agents or
39 administer opioid antagonists; and

40 (D) Perform pulmonary ventilation by esophageal airway and endotracheal intubation;
41 and

42 (E) Upon the order of a duly licensed physician during a declared public health
43 emergency, as defined in Code Section 31-12-1.1, administer vaccines.

44 (b) While in training preparatory to becoming certified, cardiac technician trainees may
45 perform any of the functions specified in this Code section under the direct supervision of
46 a duly licensed physician or a registered nurse."

47 **SECTION 3.**

48 Said title is further amended in Code Section 31-12-3.1, relating to establishment and
49 maintenance of state-wide vaccination registry for children under age 18, by revising
50 subsection (e) as follows:

51 "(e) Individually identifiable vaccination information regarding a person may be provided
52 to the department by, or released by the department to, a local health department, hospital,
53 physician, or other provider of medical services to the person; ~~or~~ to a school or child care
54 facility in which the person is enrolled if the person is 18 years of age or younger; or to a
55 third party that is authorized by law to collect or receive such information for the purpose
56 of preventing or controlling disease, injury, or disability, including, but not limited to, a
57 vaccination program or as needed to avert a serious and imminent threat to life and safety,
58 so long as such third party adheres to federal privacy laws, without the consent of the
59 person or the person's parents or guardians. All persons shall be enrolled unless a specific
60 exemption is requested by the person or the person's parent or guardian if the person is 18
61 years of age or younger; provided, however, that no enrollment exemption shall be granted
62 for the vaccination registry for vaccinations administered as a result of a declared public
63 health emergency. A parent or guardian may obtain and upon request to the department
64 shall be provided with all individually identifiable vaccination registry information
65 regarding his or her child or ward. Except as provided otherwise by this Code section,
66 individually identifiable vaccination registry information shall be treated as confidential

67 and shall not be released to a third party without consent of the person or the person's
68 parent or guardian if the person is 18 years of age or younger."

69 **SECTION 4.**

70 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
71 medical practice, is amended by revising Code Section 43-34-26.1, relating to vaccine
72 protocol agreements, as follows:

73 "43-34-26.1.

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

75 (1) 'Administer' means the provision of a unit dose of vaccine by a pharmacist or nurse
76 pursuant to a vaccine order contained in a vaccine protocol agreement with a physician.

77 (2) 'Adverse event' means an event that is a negative consequence of the administration
78 of vaccine by a pharmacist or nurse that results in an unintended reaction, injury, or
79 illness, which may or may not have been preventable.

80 (3) 'Board' means the Georgia Composite Medical Board.

81 (4) 'Georgia Registry of Immunization Transactions and Services' or 'vaccination
82 registry' means the vaccination registry established by Department of Public Health
83 pursuant to Code Section 31-12-3.1.

84 ~~(4)~~(5) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code
85 Section 43-26-3. The term shall also mean a licensed practical nurse as defined in
86 paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician
87 engaged in the active practice of medicine.

88 ~~(5)~~(6) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage
89 in the practice of pharmacy in the State of Georgia.

90 ~~(6)~~(7) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code
91 Section 26-4-5.

92 ~~(7)~~(8) 'Physician' means an individual licensed to practice medicine and surgery pursuant
93 to this article and whose principal place of practice is located in this state.

94 ~~(8)~~(9) 'Vaccine' means: ~~a specially prepared antigen which upon administration to a~~
95 ~~person will result in immunity to influenza, pneumococcal disease, shingles, or~~
96 ~~meningitis.~~

97 (A) A vaccine that is included on the adult immunization schedule recommended by
98 the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for
99 Disease Control and Prevention administered to an individual 18 years of age or older;

100 (B) An influenza vaccine administered to an individual 13 years of age or older; and

101 (C) Any vaccine for an illness that has resulted in a declared public health emergency,
102 as defined in Code Section 31-12-1.1.

103 ~~No live attenuated virus shall be administered pursuant to this Code section unless the~~
104 ~~patient or his or her parent, if a minor, has signed an informed consent that he or she does~~
105 ~~not have a contraindication to this vaccine. The informed consent form shall list the~~
106 ~~contraindications to the vaccine.~~

107 ~~(9)~~(10) 'Vaccine order' means a prescription drug order, contained in a vaccine protocol
108 agreement, for a vaccine issued by a physician for a group of patients who meet certain
109 criteria and to be administered by a pharmacist or a nurse. A vaccine order shall also
110 mean a prescription drug order, contained in a vaccine protocol agreement, for
111 epinephrine issued by a physician for a group of patients who meet certain criteria and
112 to be administered by a pharmacist or a nurse only upon the occurrence of an actual or
113 perceived anaphylactic adverse reaction to the administered vaccine provided that the
114 vaccine protocol agreement sets forth the signs and symptoms that warrant the
115 administration of epinephrine.

116 ~~(10)~~(11) 'Vaccine protocol agreement' means a written document mutually agreed upon
117 and signed by a physician and a pharmacist or by a physician and a nurse, by which
118 document the physician prescribes a vaccine and epinephrine, if determined appropriate

119 by the physician, by means of a vaccine order for administration by a pharmacist or a
120 nurse.

121 (b) A physician engaged in the active practice of medicine may prescribe a vaccine for a
122 group of patients via a vaccine order contained in a vaccine protocol agreement to be
123 administered by a pharmacist, provided the physician resides in Georgia and is registered
124 with the ~~vaccination registry established by the Department of Public Health pursuant to~~
125 ~~Code Section 31-12-3.1, commonly known as the~~ Georgia Registry of Immunization
126 Transactions and Services; the pharmacist holds current certification in Basic Cardiac Life
127 Support and has completed a course of training accredited by the Accreditation Council for
128 Pharmacy Education or similar health authority or professional body approved by the
129 Georgia State Board of Pharmacy; and the pharmacist completes a training program
130 recognized by the federal Centers for Disease Control and Prevention in the basics of
131 immunology which focuses on practice implementation and legal and regulatory issues,
132 composed of: (1) at least 12 hours of self-study and an assessment exam; (2) at least eight
133 hours of live seminar with a final exam; and (3) a hands-on assessment of intramuscular
134 and subcutaneous injection technique. A physician who is a party to a vaccine protocol
135 agreement may also prescribe epinephrine via a vaccine order contained in a vaccine
136 protocol agreement for administration by a pharmacist upon the occurrence of an actual or
137 perceived anaphylactic adverse reaction to the administered vaccine, provided that the
138 vaccine protocol agreement sets forth the signs and symptoms that warrant the
139 administration of epinephrine.

140 (c) A physician engaged in the active practice of medicine may prescribe a vaccine for a
141 group of patients via a vaccine order contained in a vaccine protocol agreement to be
142 administered by a nurse, provided the physician is registered with the ~~vaccination registry~~
143 ~~established by the Department of Public Health pursuant to Code Section 31-12-3.1,~~
144 ~~commonly known as the~~ Georgia Registry of Immunization Transactions and Services, the
145 nurse is located within the county of the physician's place of registration with the

146 vaccination registry or a county contiguous thereto, and the nurse holds current certification
147 in Basic Cardiac Life Support. A physician who is a party to a vaccine protocol agreement
148 may also prescribe epinephrine via a vaccine order contained in a vaccine protocol
149 agreement for administration by a nurse upon the occurrence of an actual or perceived
150 anaphylactic adverse reaction to the administered vaccine provided that the vaccine
151 protocol agreement sets forth the signs and symptoms that warrant the administration of
152 epinephrine.

153 (d) A vaccine protocol agreement between a physician and a pharmacist or a physician and
154 a nurse pursuant to this Code section shall, without limitation:

155 (1) Contain the current names, addresses, telephone numbers, and professional license
156 numbers of the physician and the pharmacist or nurse;

157 (2) Contain a provision for immediate consultation between the pharmacist or nurse and
158 the physician. If the physician is not available, the physician for purposes of consultation
159 may designate another physician who concurs with the terms of the vaccine protocol
160 agreement;

161 (3) Require the pharmacist or nurse to take an appropriate case history and determine
162 whether the patient has had a physical examination within the past year and shall not
163 administer a vaccine to a patient with any condition for which such vaccine is
164 contraindicated;

165 (4) Require the pharmacist or nurse to provide the vaccine recipient with the appropriate
166 and current Vaccine Information Statement as provided by the federal Centers for Disease
167 Control and Prevention;

168 (5) Require the pharmacist or nurse to provide written information to the vaccine
169 recipient to be developed by the Department of Public Health on the importance of
170 having and periodically seeing a primary care physician;

171 ~~(6) Require the pharmacist or nurse to provide each new vaccine recipient with a~~
172 ~~personal immunization card on card stock paper containing the vaccine recipient's name;~~

173 ~~the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine,~~
174 ~~the location of injection on the vaccine recipient, and the date of the administration of the~~
175 ~~vaccine in legible writing or printed type in a format made available by the Department~~
176 ~~of Public Health. The patient shall produce such card when he or she has subsequent~~
177 ~~vaccines and the pharmacist or nurse shall update such card, unless the patient does not~~
178 ~~have such card, in which case, a new card shall be provided. The written information~~
179 ~~required pursuant to paragraph (5) of this subsection may be included on the card~~
180 ~~provided pursuant to this paragraph;~~

181 ~~(7)~~(6) Require the pharmacist or nurse or his or her employer to retain documentation
182 of each dose of vaccine administered. Such documentation shall include, but not be
183 limited to:

184 (A) The administering pharmacist's or nurse's name, address, telephone number, and
185 professional license number;

186 (B) The name, dose, manufacturer, and lot number of the vaccine;

187 (C) The vaccine recipient's name, address, date of birth, and telephone number;

188 (D) The date of administration and injection site;

189 (E) A signed and dated consent form by which the vaccine recipient acknowledges
190 receipt of the Vaccine Information Statement, consents to the administration of the
191 vaccine, and authorizes the pharmacy or nurse to notify the vaccine recipient's primary
192 care provider of the vaccine administered to the vaccine recipient; and

193 (F) Any adverse events or complications that occur;

194 ~~(8)~~(7) Require the pharmacist or nurse to make documented reasonable efforts to obtain
195 the name of the vaccine recipient's primary care provider and to notify such primary care
196 provider of the vaccine administered by the pharmacist or nurse within 72 hours of
197 administration;

198 ~~(9)~~(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private
199 room, area with a privacy screen, or other interior area in which the patient's privacy can

200 be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient
201 in a manner that is designed so that the patient can be served while remaining in his or
202 her personal vehicle. This paragraph shall not apply to mass immunizations in the event
203 of a declared public health emergency, as defined in Code Section 31-12-1.1, or for
204 purposes of training in which vaccinations are administered to large groups of people at
205 one or more locations in a short interval of time;

206 ~~(9)~~(9) Require the pharmacist, or nurse, or his or her designee to check the Georgia
207 Registry of Immunization Transactions and Services prior to administration of the
208 vaccine and to enter the patient's vaccine information in the Georgia Registry of
209 Immunization Transactions and Services within the vaccination registry's designated time
210 frame, or as designated by the Department of Public Health; provided, however, that a
211 pharmacist, nurse, or his or her designee shall not be required to check the Georgia
212 Registry of Immunization Transactions and Services during:

213 (A) A declared public health emergency, as defined in Code Section 31-12-1.1, for any
214 vaccine administered to address the cause of the threat of an illness or health condition
215 or the infectious agent or biological toxin which resulted in such declared public health
216 emergency; or

217 (B) A vaccination event for influenza that is anticipated to serve 75 or more patients.

218 The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions
219 in accordance with subsection (r) of this Code section on any person subject to the
220 requirements of this paragraph who does not submit the information required by this
221 paragraph and to notify the delegating physician and the applicable licensing board for
222 such person of violations of this paragraph;

223 ~~(10)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient
224 to remain under the observation of the administering a pharmacist or nurse for a period
225 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

226 ~~(12)~~(11) Contain procedures to follow up on the occurrence of an adverse event or
227 complication including, if prescribed via a vaccine order contained in a vaccine protocol
228 agreement, the administration of epinephrine;

229 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a
230 vaccine is limited;

231 ~~(14)~~(13) Require the pharmacist or nurse to maintain individual liability insurance
232 coverage or be individually covered by his or her employer's liability insurance coverage
233 in an amount not less than \$250,000.00 to cover claims arising from administration of
234 vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to
235 provide proof of such coverage to the physician for submission to the board with the
236 vaccine protocol agreement. The pharmacist or nurse shall also retain a copy of the proof
237 of insurance coverage, including the name of the insurer and policy number, onsite at his
238 or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon
239 request;

240 ~~(15)~~(14) Require the pharmacist or nurse to post proof of the vaccine protocol
241 agreement, including a list of the vaccines authorized by such protocol, in a conspicuous
242 location within the pharmacy, ~~local health department~~, or other setting in which the
243 vaccine is being administered;

244 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to
245 the physician attesting to the following:

246 (A) Compliance with paragraph ~~(14)~~(13) of this subsection regarding maintenance of
247 liability insurance;

248 (B) Verification that the pharmacist or nurse holds current certification in Basic
249 Cardiac Life Support as required by subsections (b) and (c) of this Code section and,
250 for pharmacists, verification of completion of immunology training as required by
251 subsection (b) of this Code section;

252 (C) The pharmacist or nurse has a copy of the vaccine protocol agreement and agrees
253 to comply with its requirements; and

254 (D) Identification of the pharmacist's or nurse's location or locations in which he or she
255 will be administering vaccinations pursuant to the vaccine protocol agreement.

256 The pharmacist or nurse shall keep a copy of the affidavit onsite at his or her primary
257 location for inspection by the Georgia Drugs and Narcotics Agency, upon request. The
258 Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions in
259 accordance with subsection (r) of this Code section on any person subject to the
260 requirements of this paragraph who does not submit the information required by this
261 paragraph and to notify the delegating physician and the applicable licensing board for
262 such person of violations of this paragraph; and

263 ~~(17)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician
264 and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially
265 shall expire.

266 (e) A pharmacist who is a party to a vaccine protocol agreement pursuant to this Code
267 section shall not delegate the administration of a vaccine to any individual other than a
268 pharmacy intern under the direct supervision of the pharmacist whether or not any such
269 other individual is under the supervision, direct or otherwise, of the pharmacist.

270 (f) A nurse who is a party to a vaccine protocol agreement pursuant to this Code section
271 shall not delegate the administration of a vaccine to any individual, whether or not any such
272 individual is under the supervision, direct or otherwise, of the nurse; provided, however,
273 that notwithstanding the requirement of employment by a physician in paragraph ~~(4)~~(5) of
274 subsection (a) of this Code section, a registered professional nurse who is a party to a
275 vaccine protocol agreement pursuant to this Code section may delegate the administration
276 of a vaccine to a licensed practical nurse under the direct on-site supervision of the
277 registered professional nurse.

278 (g) Notwithstanding any law to the contrary, a nurse acting pursuant to a vaccine protocol
279 agreement as provided in this Code section may possess and transport such vaccine and
280 epinephrine.

281 (h) A pharmacist or nurse administering vaccines pursuant to a vaccine protocol agreement
282 authorized by this Code section shall maintain policies and procedures for the handling and
283 disposal of used or contaminated equipment and supplies.

284 (i) Nothing in this Code section shall be construed to authorize a physician to prescribe
285 any other vaccines or other drugs pursuant to a vaccine protocol agreement or vaccine
286 order contained in a vaccine protocol agreement other than those vaccines and epinephrine
287 specifically authorized in such vaccine protocol agreement or vaccine order.

288 (j) A delegating physician may not enter into a vaccine protocol agreement with more than
289 ten pharmacists or nurses, or any combination thereof, at any one time; provided, however,
290 and notwithstanding the geographic limitation provided in subsection (c) of this Code
291 section, a delegating physician may enter into a vaccine protocol agreement with more than
292 ten pharmacists or nurses, or any combination thereof, at any one time so long as the nurses
293 are in the same public health district as established pursuant to Code Section 31-3-15 and
294 the pharmacists and nurses are employees or agents of the same corporate entity.

295 (k) It shall be unlawful for a physician who is employed by a pharmacist or nurse to enter
296 into a vaccine protocol agreement or otherwise delegate medical acts to such pharmacist
297 or nurse. It shall be unlawful for a physician who is employed by a pharmacy to enter into
298 a vaccine protocol agreement or otherwise delegate medical acts to a pharmacist or nurse
299 who is also employed by such pharmacy.

300 (l) The board shall have the authority to promulgate rules and regulations governing a
301 physician who is a party to a vaccine protocol agreement in order to carry out the intent and
302 purposes of this Code section. Further, the board shall:

303 (1) Require that the vaccine protocol agreement, along with the affidavit by the
304 pharmacist or nurse submitted pursuant to paragraph ~~(16)~~(15) of subsection (d) of this

305 Code section and the proof of insurance required pursuant to paragraph ~~(14)~~(13) of
306 subsection (d) of this Code section, be filed by the physician with the board and be made
307 available by the board for public inspection; and

308 (2) Promulgate by rule an approved standard protocol template that may be utilized as
309 a vaccine protocol agreement and make such template available on the board's website.

310 (m) Nothing in this Code section shall be construed to require a physician to enter into a
311 vaccine protocol agreement. A public or private managed care system, health plan,
312 hospital, insurance company, or similar entity shall not require a physician, pharmacist, or
313 nurse to enter into a vaccine protocol agreement as a condition for participation in or
314 reimbursement from such entity.

315 (n) No physician who complies with the provisions of this Code section shall be subject
316 to criminal or civil liability or discipline for unprofessional conduct for:

317 (1) Entering into a vaccine protocol agreement with a pharmacist or nurse;

318 (2) Issuing a vaccine order contained in a vaccine protocol agreement with a pharmacist
319 or nurse; or

320 (3) The acts or omissions of a pharmacist or nurse pursuant to a vaccine protocol
321 agreement including the administration of a vaccine or epinephrine.

322 Nothing in this subsection shall be interpreted as altering liability of an employer for acts
323 of his or her employees.

324 (o)(1) This Code section shall not apply to any activities conducted ~~within~~ by a hospital,
325 physician's office, nursing home, or other health care facility designated by the
326 ~~department~~ Department of Public Health or conducted within any other facility or entity
327 owned, operated, or leased by a hospital.

328 (2) Except as otherwise provided in paragraph (1) of this subsection, any activities
329 conducted by a hospital or health system for the administration of the influenza vaccine
330 shall not be subject to paragraphs (5) through ~~(9)~~(8), ~~(15)~~(14), or ~~(16)~~(15) of subsection
331 (d) of this Code section as long as the following conditions are met:

332 (A) A signed and dated consent form by which the vaccine recipient consents to the
333 administration of the vaccine is obtained;

334 (B) If the vaccine recipient is a patient within the hospital or health system, the
335 administration of the influenza vaccine shall be noted in such patient's health record
336 maintained by the hospital or health system, including, but not limited to, the
337 administering pharmacist's or nurse's name, address, telephone number, and
338 professional license number; the name, dose, manufacturer, and lot number of the
339 vaccine; and the date of administration and injection site;

340 (C) If the vaccine recipient is not a patient within the hospital or health system, a
341 ~~personal immunization card on card stock paper containing the vaccine recipient's~~
342 ~~name, the pharmacist's or nurse's name and phone number, the name and dosage of the~~
343 ~~vaccine, the injection site on the vaccine recipient, the date of the administration of the~~
344 ~~vaccine in legible writing or printed type in a format made available by the Department~~
345 ~~of Public Health, and written information developed by the Department of Public~~
346 ~~Health on the importance of having and periodically seeing a primary care physician~~
347 ~~shall be provided to the vaccine recipient~~ the pharmacist, nurse, or his or her designee
348 shall be required to check the Georgia Registry of Immunization Transactions and
349 Services prior to administration of the vaccine and to enter the patient's vaccine
350 information in the Georgia Registry of Immunization Transactions and Services within
351 the vaccination registry's designated time frame, or as designated by the Department of
352 Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall
353 not be required to check the Georgia Registry of Immunization Transactions and
354 Services during:

355 (i) A declared public health emergency, as defined in Code Section 31-12-1.1, for
356 any vaccine administered to address the cause of the threat of an illness or health
357 condition or the infectious agent or biological toxin which resulted in such declared
358 public health emergency; or

359 (ii) A vaccination event for influenza that is anticipated to serve 75 or more patients.
360 The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions
361 in accordance with subsection (r) of this Code section on any person subject to the
362 requirements of this paragraph who does not submit the information required by this
363 paragraph and to notify the delegating physician and the applicable licensing board for
364 such person of violations of this paragraph; and

365 (D) If requested by the patient, the influenza vaccine shall be administered in an area
366 or location with portable screening, at a minimum.

367 As used in this paragraph, the term 'health system' means (i) a parent corporation of one
368 or more hospitals and any entity affiliated with such parent corporation through
369 ownership, governance, membership, or other means; or (ii) a hospital and any entity
370 affiliated with such hospital through ownership, governance, membership, or other
371 means.

372 (p) This Code section shall not be interpreted as limiting the authority of any authorized
373 person to dispense or administer vaccines or other medications.

374 ~~(q) No vaccine protocol agreement entered into pursuant to this Code section shall permit~~
375 ~~a pharmacist or nurse to administer any of the following:~~

376 ~~(1) An influenza vaccine to any child under the age of 13 without an individual~~
377 ~~prescription from a physician;~~

378 ~~(2) A pneumococcal disease vaccine to any child under the age of 18 without an~~
379 ~~individual prescription from a physician;~~

380 ~~(3) Any vaccines containing a live attenuated virus to a child under the age of 13; or~~

381 ~~(4) A meningitis vaccine to any child under the age of 18.~~

382 No live attenuated virus shall be administered pursuant to this Code section unless the
383 patient has signed an informed consent that he or she does not have a contraindication to
384 such vaccine. The informed consent form shall list the contraindications to the vaccine.

385 Consent of the child's parent or legal guardian shall be a condition precedent to the
386 administration of a vaccine to a child under the age of 18.

387 (r)(1) A pharmacist or nurse who knowingly does not comply with paragraph ~~(14)~~(13)
388 of subsection (d) of this Code section may be assessed a fine of up to \$2,500.00 by the
389 board.

390 (2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine
391 protocol agreement as required by this Code section may be assessed a fine of up to
392 \$2,500.00 and may be prohibited from administering vaccines pursuant to this Code
393 section for up to one year as determined by the board.

394 (3) A pharmacist or nurse who knowingly does not comply with paragraph ~~(6)~~(5) of
395 subsection (d) of this Code section may be subject to the following sanctions by the
396 board:

397 (A) Upon the first violation, the issuance of a warning;

398 (B) Upon the second violation, a fine of up to \$500.00; and

399 (C) Upon a third or subsequent violation, prohibited from administering vaccines
400 pursuant to this Code section for up to one year.

401 (4) A pharmacist or nurse who knowingly does not comply with paragraph ~~(15)~~(14) of
402 subsection (d) of this Code section may be subject to the following sanctions by the
403 board:

404 (A) Upon the first or second violation, the issuance of a warning; and

405 (B) Upon a third or subsequent violation, prohibited from administering vaccines
406 pursuant to this Code section for up to six months.

407 (5) A pharmacist or nurse who knowingly does not comply with paragraph ~~(10)~~(9) or
408 ~~(16)~~(15) of subsection (d) of this Code section may be subject to the following sanctions
409 by the Georgia Drugs and Narcotics Agency:

410 (A) Upon the first violation, the issuance of a warning;

411 (B) Upon the second violation, a fine of up to \$5,000.00; and

412 (C) Upon a third or subsequent violation, prohibited from administering vaccines
413 pursuant to this Code section.

414 (6) The sanctions contained in this subsection shall be supplemental to any other
415 sanctions or penalties to which a pharmacist or nurse may otherwise be subject."

416 **SECTION 5.**

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

419 **SECTION 6.**

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