

## Senate Bill 46

By: Senators Burke of the 11th, Watson of the 1st, Hatchett of the 50th, Miller of the 49th, Kirkpatrick of the 32nd and others

**AS PASSED SENATE**

## 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)(1) Individually identifiable vaccination information regarding a person may, without  
 52 the consent of the person or the person's parents or guardians, be provided to the  
 53 department by, or released by the department to, a:

54 (A) A local health department, hospital, physician, or other provider of medical  
 55 services to the person; or to

56 (B) A school or child care facility in which the person is enrolled if the person is 18  
 57 years of age or younger; or

58 (C) For vaccines administered to a declared public health emergency, as defined in  
 59 OCGA 38-3-51, a third party that is authorized by law to collect and receive such  
 60 information for the purpose of averting a serious and imminent threat to life and safety,  
 61 so long as such third party adheres to state and federal privacy laws without the consent  
 62 of the person or the person's parents or guardians.

63 (2) All persons shall be enrolled unless a specific exemption is requested by the person or  
 64 the person's parent or guardian if the person is 18 years of age or younger; provided,  
 65 however, that no enrollment exemption shall be granted for the vaccination registry for  
 66 vaccinations administered as a result of a declared public health emergency. A parent or  
 67 guardian may obtain and upon request to the department shall be provided with all

68 individually identifiable vaccination registry information regarding his or her child or ward.  
69 Except as provided otherwise by this Code section, individually identifiable vaccination  
70 registry information shall be treated as confidential and shall not be released to a third party  
71 without consent of the person or the person's parent or guardian if the person is 18 years  
72 of age or younger."

73 **SECTION 4.**

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

77 "43-34-26.1.

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

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

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

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

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

88 ~~(4)~~(5) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code  
89 Section 43-26-3. The term shall also mean a licensed practical nurse as defined in  
90 paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician  
91 engaged in the active practice of medicine.

92 ~~(5)~~(6) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage  
93 in the practice of pharmacy in the State of Georgia.

94 ~~(6)~~(7) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code  
95 Section 26-4-5.

96 ~~(7)~~(8) 'Physician' means an individual licensed to practice medicine and surgery pursuant  
97 to this article and whose principal place of practice is located in this state.

98 ~~(8)~~(9) 'Vaccine' means: ~~a specially prepared antigen which upon administration to a~~  
99 ~~person will result in immunity to influenza, pneumococcal disease, shingles, or~~  
100 ~~meningitis.~~

101 (A) A vaccine that is included on the adult immunization schedule recommended by  
102 the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for  
103 Disease Control and Prevention administered to an individual 18 years of age or older;  
104 (B) An influenza vaccine administered to an individual 13 years of age or older; and  
105 (C) Any vaccine for an illness that has resulted in a declared public health emergency,  
106 as defined in Code Section 31-12-1.1.

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

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

120 ~~(10)~~(11) 'Vaccine protocol agreement' means a written document mutually agreed upon  
121 and signed by a physician and a pharmacist or by a physician and a nurse, by which  
122 document the physician prescribes a vaccine and epinephrine, if determined appropriate  
123 by the physician, by means of a vaccine order for administration by a pharmacist or a  
124 nurse.

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

144 (c) A physician engaged in the active practice of medicine may prescribe a vaccine for a  
145 group of patients via a vaccine order contained in a vaccine protocol agreement to be  
146 administered by a nurse, provided the physician is registered with the ~~vaccination registry~~

147 ~~established by the Department of Public Health pursuant to Code Section 31-12-3.1,~~  
148 ~~commonly known as the Georgia Registry of Immunization Transactions and Services, the~~  
149 nurse is located within the county of the physician's place of registration with the  
150 vaccination registry or a county contiguous thereto, and the nurse holds current certification  
151 in Basic Cardiac Life Support. A physician who is a party to a vaccine protocol agreement  
152 may also prescribe epinephrine via a vaccine order contained in a vaccine protocol  
153 agreement for administration by a nurse upon the occurrence of an actual or perceived  
154 anaphylactic adverse reaction to the administered vaccine provided that the vaccine  
155 protocol agreement sets forth the signs and symptoms that warrant the administration of  
156 epinephrine.

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

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

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

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

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

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

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

185 ~~(7)~~(6) Require the pharmacist or nurse or his or her employer to retain documentation  
186 of each dose of vaccine administered. Such documentation shall include, but not be  
187 limited to:

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

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

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

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

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

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

198 ~~(8)~~(7) Require the pharmacist or nurse to make documented reasonable efforts to obtain  
199 the name of the vaccine recipient's primary care provider and to notify such primary care  
200 provider of the vaccine administered by the pharmacist or nurse within 72 hours of  
201 administration;

202 ~~(9)~~(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private  
203 room, area with a privacy screen, or other interior area in which the patient's privacy can  
204 be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient  
205 in a manner that is designed so that the patient can be served while remaining in his or  
206 her personal vehicle. This paragraph shall not apply to mass immunizations in the event  
207 of a declared public health emergency, as defined in Code Section 31-12-1.1, or for  
208 purposes of training in which vaccinations are administered to large groups of people at  
209 one or more locations in a short interval of time;

210 ~~(10)~~(9) Require the pharmacist, ~~or nurse, or his or her designee to check the Georgia~~  
211 Registry of Immunization Transactions and Services prior to administration of the  
212 vaccine and to enter the patient's vaccine information in the Georgia Registry of  
213 Immunization Transactions and Services within the vaccination registry's designated time  
214 frame, or as designated by the Department of Public Health; provided, however, that a  
215 pharmacist, nurse, or his or her designee shall not be required to check the Georgia  
216 Registry of Immunization Transactions and Services during:

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

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

222 The Georgia Drugs and Narcotics Agency shall have the authority to impose sanctions  
223 in accordance with subsection (r) of this Code section on any person subject to the  
224 requirements of this paragraph who does not submit the information required by this

225 paragraph and to notify the delegating physician and the applicable licensing board for  
226 such person of violations of this paragraph;

227 ~~(11)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient  
228 to remain under the observation of ~~the administering a~~ pharmacist or nurse for a period  
229 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

230 ~~(12)~~(11) Contain procedures to follow up on the occurrence of an adverse event or  
231 complication including, if prescribed via a vaccine order contained in a vaccine protocol  
232 agreement, the administration of epinephrine;

233 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a  
234 vaccine is limited;

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

244 ~~(15)~~(14) Require the pharmacist or nurse to post proof of the vaccine protocol  
245 agreement, including a list of the vaccines authorized by such protocol, in a conspicuous  
246 location within the pharmacy, ~~local health department~~, or other setting in which the  
247 vaccine is being administered;

248 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to  
249 the physician attesting to the following:

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

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

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

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

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

267 ~~(17)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician  
268 and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially  
269 shall expire.

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

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

279 vaccine protocol agreement pursuant to this Code section may delegate the administration  
280 of a vaccine to a licensed practical nurse under the direct on-site supervision of the  
281 registered professional nurse.

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

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

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

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

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

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

307 (1) Require that the vaccine protocol agreement, along with the affidavit by the  
308 pharmacist or nurse submitted pursuant to paragraph ~~(16)~~(15) of subsection (d) of this  
309 Code section and the proof of insurance required pursuant to paragraph ~~(14)~~(13) of  
310 subsection (d) of this Code section, be filed by the physician with the board and be made  
311 available by the board for public inspection; and

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

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

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

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

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

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

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

328 (o)(1) This Code section shall not apply to any activities conducted ~~within~~ by a hospital,  
329 physician's office, nursing home, or other health care facility designated by the

330 ~~department~~ Department of Public Health or conducted within any other facility or entity  
331 owned, operated, or leased by a hospital.

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

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

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

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

357 not be required to check the Georgia Registry of Immunization Transactions and  
 358 Services during:

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

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

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

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

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

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

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

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

384 ~~(3) Any vaccines containing a live attenuated virus to a child under the age of 13; or~~  
385 ~~(4) A meningitis vaccine to any child under the age of 18.~~

386 No live attenuated virus shall be administered pursuant to this Code section unless the  
387 patient has signed an informed consent that he or she does not have a contraindication to  
388 such vaccine. The informed consent form shall list the contraindications to the vaccine.  
389 Consent of the child's parent or legal guardian shall be a condition precedent to the  
390 administration of a vaccine to a child under the age of 18.

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

394 (2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine  
395 protocol agreement as required by this Code section may be assessed a fine of up to  
396 \$2,500.00 and may be prohibited from administering vaccines pursuant to this Code  
397 section for up to one year as determined by the board.

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

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

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

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

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

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

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

411 (5) A pharmacist or nurse who knowingly does not comply with paragraph ~~(10)~~(9) or  
412 ~~(16)~~(15) of subsection (d) of this Code section may be subject to the following sanctions  
413 by the Georgia Drugs and Narcotics Agency:

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

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

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

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

420 **SECTION 5.**

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

423 **SECTION 6.**

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