

The House Committee on Health and Human Services offers 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:

S. B. 46 (SUB)

- 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 public health emergency, as
22 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 public health emergency, as
 43 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 in response to a public health emergency declared
 59 pursuant to Code Section 38-3-51, a third party that is authorized by law to collect and
 60 receive such information for the purpose of averting a serious and imminent threat to
 61 life and safety, so long as such third party adheres to state and federal privacy laws
 62 without the consent 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 in response to a public health emergency declared pursuant to
 67 Code Section 38-3-51. A parent or guardian may obtain and upon request to the

68 department shall be provided with all individually identifiable vaccination registry
 69 information regarding his or her child or ward. Except as provided otherwise by this Code
 70 section, individually identifiable vaccination registry information shall be treated as
 71 confidential and shall not be released to a third party without consent of the person or the
 72 person's parent or guardian if the person is 18 years 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 administered to an individual 13 years of age or older for an illness
106 that has resulted in a public health emergency, 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 public health emergency, as defined in Code Section 31-12-1.1, or for purposes of
208 training in which vaccinations are administered to large groups of people at one or more
209 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 public health emergency, as defined in Code Section 31-12-1.1, for any vaccine
218 administered to address the cause of the threat of an illness or health condition or the
219 infectious agent or biological toxin which resulted in such public health emergency; or

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

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

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

226 ~~(11)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient
227 to remain under the observation of ~~the administering a~~ pharmacist or nurse for a period
228 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

229 ~~(12)~~(11) Contain procedures to follow up on the occurrence of an adverse event or
230 complication including, if prescribed via a vaccine order contained in a vaccine protocol
231 agreement, the administration of epinephrine;

232 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a
233 vaccine is limited;

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

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

247 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to
248 the physician attesting to the following:

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

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

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

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

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

266 ~~(17)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician
267 and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially
268 shall expire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

361 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

419 **SECTION 5.**

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

422 **SECTION 6.**

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