

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:

- 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 and  
 62 so long as a person's name is not provided to such third party by the department without  
 63 the consent of the person or the person's parents or guardians.

64 (2) All persons shall be enrolled unless a specific exemption is requested by the person or  
 65 the person's parent or guardian if the person is 18 years of age or younger. A parent or  
 66 guardian may obtain and upon request to the department shall be provided with all  
 67 individually identifiable vaccination registry information regarding his or her child or ward.

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

72 **SECTION 4.**

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

76 "43-34-26.1.

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

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

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

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

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

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

91 ~~(5)~~(6) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage  
92 in the practice of pharmacy in the State of Georgia.

93 ~~(6)~~(7) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code  
94 Section 26-4-5.

95 ~~(7)~~(8) 'Physician' means an individual licensed to practice medicine and surgery pursuant  
96 to this article and whose principal place of practice is located in this state.

97 ~~(8)~~(9) 'Vaccine' means: ~~a specially prepared antigen which upon administration to a~~  
98 ~~person will result in immunity to influenza, pneumococcal disease, shingles, or~~  
99 ~~meningitis.~~

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

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

104 (C) Any vaccine administered to an individual 13 years of age or older for an illness  
105 that has resulted in a public health emergency, as defined in Code Section 31-12-1.1.

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

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

119 ~~(10)~~(11) 'Vaccine protocol agreement' means a written document mutually agreed upon  
120 and signed by a physician and a pharmacist or by a physician and a nurse, by which  
121 document the physician prescribes a vaccine and epinephrine, if determined appropriate  
122 by the physician, by means of a vaccine order for administration by a pharmacist or a  
123 nurse.

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

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

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

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

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

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

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

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

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

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

184 ~~(7)~~(6) Require the pharmacist or nurse or his or her employer to retain documentation  
185 of each dose of vaccine administered. Such documentation shall include, but not be  
186 limited to:

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

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

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

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

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

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



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

201 ~~(9)~~(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private  
202 room, area with a privacy screen, or other interior area in which the patient's privacy can  
203 be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient  
204 in a manner that is designed so that the patient can be served while remaining in his or  
205 her personal vehicle. This paragraph shall not apply to mass immunizations in the event  
206 of a public health emergency, as defined in Code Section 31-12-1.1, or for purposes of  
207 training in which vaccinations are administered to large groups of people at one or more  
208 locations in a short interval of time;

209 ~~(10)~~(9) Require the pharmacist, or nurse, or his or her designee to check the Georgia  
210 Registry of Immunization Transactions and Services prior to administration of the  
211 vaccine and to enter the patient's vaccine information in the Georgia Registry of  
212 Immunization Transactions and Services within the vaccination registry's designated time  
213 frame, or as designated by the Department of Public Health; provided, however, that a  
214 pharmacist, nurse, or his or her designee shall not be required to check the Georgia  
215 Registry of Immunization Transactions and Services during:

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

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

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

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

225 ~~(11)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient  
226 to remain under the observation of ~~the administering a~~ pharmacist or nurse for a period  
227 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

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

231 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a  
232 vaccine is limited;

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

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

246 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to  
247 the physician attesting to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

360 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

418 **SECTION 5.**

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

421 **SECTION 6.**

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