

The House Committee on Rules offers the following substitute to SB 46:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 4 of Title 25 and Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to firefighter standards and training and health,
3 respectively, so as to provide for licensure and certification of emergency medical services
4 personnel, paramedics, and cardiac technicians previously convicted of a felony; to require
5 random drug tests for certain firefighters, emergency medical services personnel, paramedics,
6 and cardiac technicians; to authorize the Department of Public Health to release deidentified
7 data from the Low THC Oil Patient Registry to government entities and other entities for
8 research and other purposes; to authorize certain medical personnel to administer vaccines
9 during public health emergencies under certain conditions; to provide for vaccination
10 information to third parties under certain public health conditions; to amend Code Section
11 42-5-57 of the Official Code of Georgia Annotated, relating to institution of rehabilitation
12 programs and provision of opportunities for educational, religious, and recreational activities,
13 so as to provide for training for firefighters, emergency medical services personnel,
14 paramedics, and cardiac technicians in institutions under the control of the Department of
15 Corrections; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia
16 Annotated, relating to medical practice, so as to revise certain provisions relating to the
17 administration of vaccines under vaccine protocol agreements; to provide for related matters;
18 to provide for an effective date; to repeal conflicting laws; and for other purposes.

S. B. 46 (SUB)

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to general
22 provisions relative to firefighter standards and training, is amended in Code Section 25-4-8,
23 relating to qualifications of firefighters generally, by revising subsection (a) as follows:

24 "(a) Except as provided in Code Section 25-4-12, any employee, volunteer, or private
25 contractor of a fire department operating in this state or certified as a firefighter shall, as
26 prescribed by the council:

27 (1) Be at least 18 years of age;

28 (2) Not have been convicted of, or pleaded guilty to, a felony in any jurisdiction or of a
29 crime which if committed in this state would constitute a felony under the laws of this
30 state within ten years prior to employment, provided that a person who has been
31 convicted of a felony more than five but less than ten years prior to employment may be
32 certified and employed as a firefighter when the person has:

33 (A) Successfully completed a training program following the Georgia Fire Academy
34 curriculum and sponsored by the Department of Corrections pursuant to Code
35 Section 42-5-57;

36 (B) Been recommended to a fire department by the proper authorities at the institution
37 at which the training program was undertaken; and

38 (C) Met all other requirements as set forth in this chapter.

39 The council shall be the final authority with respect to authorizing the employment,
40 appointment, and certification of a person who has been convicted of a felony more than
41 five but less than ten years prior to seeking employment when the person is seeking
42 employment as a firefighter for any municipal, county, or state fire department which
43 employs three or more firefighters who work a minimum of 40 hours per week and has
44 the responsibility of preventing and suppressing fires, protecting life and property, and

45 enforcing municipal, county, and state codes, as well as enforcing any law pertaining to
46 the prevention and control of fires;

47 (3) Have a good moral character as determined by investigation under procedure
48 approved by the council;

49 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to
50 disclose any criminal record;

51 (5) Be in good physical condition as determined by a medical examination and
52 successfully pass the minimum physical agility requirements as established by the
53 council; and

54 (6) Possess or achieve within 12 months after employment a high school diploma or a
55 general education development equivalency, provided that the council may by rule or
56 regulation prescribe for the waiver of such requirement."

57 **SECTION 2.**

58 Said chapter is further amended by adding a new Code section to read as follows:

59 "25-4-11.1.

60 (a) All firefighters qualified based upon successful completion of training set forth in
61 subparagraph (a)(2)(A) of Code Section 25-4-8 shall be subject to random testing for
62 evidence of use of illegal drugs. Such testing shall occur at least biannually for the first
63 two years of licensure or certification. Such testing shall be noninvasive and may be
64 conducted at any time during the calendar year, and the cost of all such testing shall be
65 borne by the employer. If the drug test shows the presence of drugs in the firefighter's
66 system, the results of the test will be confirmed with an alternative method by using the
67 same urine sample.

68 (b) The council shall adopt rules and regulations for purposes of testing and retesting for
69 illegal drugs, including:

70 (1) Which illegal drugs will be the subject of testing;

- 71 (2) Methods for ensuring minimal privacy intrusions during collection of body fluid
 72 specimens for such testing;
 73 (3) Methods for ensuring proper storage, transportation, and handling of such specimens
 74 in order to maintain the integrity of the testing process;
 75 (4) Which persons should be entitled to the results of such tests and which methods
 76 should be used for ensuring that only authorized persons are given access to such results;
 77 (5) A list of laboratories qualified to conduct established drug tests; and
 78 (6) Procedures through which firefighters, prior to the collection of body fluid specimens
 79 for such testing, may provide information to their employers regarding use of any drug
 80 pursuant to a medical prescription or, as otherwise authorized by law, any substance
 81 which could affect the results of such test.
 82 (c) Any rules or regulations adopted pursuant to this Code section shall be in compliance
 83 with Parts 40 and 382 of Title 49 of the Code of Federal Regulations."

84 **SECTION 2A.**

85 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the Low THC
 86 Oil Patient Registry, is amended by revising subsection (f) as follows:

87 "(f) Information received and records kept by the department for purposes of administering
 88 this Code section shall be confidential; provided, however, that such information shall be
 89 disclosed, subject to the provisions of the federal Health Insurance Portability and
 90 Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

- 91 (1) Upon written request of an individual or caregiver registered pursuant to this Code
 92 section for information related to the individual or his or her caregiver; and
 93 (2) To peace officers and prosecuting attorneys for the purpose of:
 94 (A) Verifying that an individual in possession of a registration card is registered
 95 pursuant to this Code section; or

96 (B) Determining that an individual in possession of low THC oil is registered pursuant
97 to this Code section; and
98 (3) To government entities and other entities for statistical, research, educational,
99 instructional, drug abuse prevention, or grant application purposes after removing all
100 personal identifiers from the health information and removing all information that could
101 be used to identify prescribers."

102 **SECTION 3.**

103 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
104 Code Section 31-11-51, relating to certification and recertification of emergency medical
105 technicians, rules and regulations, and use of conviction data in licensing decisions, as
106 follows:

107 "31-11-51.

108 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
109 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,
110 regardless of whether an appeal of the conviction has been sought.

111 (b) ~~The~~ Except as otherwise provided for in this chapter, the board shall, by regulation,
112 authorize the department to establish procedures and standards for the licensing of
113 emergency medical services personnel. The department shall succeed to all rules and
114 regulations, policies, procedures, and administrative orders of the composite board which
115 were in effect on December 31, 2001, and which relate to the functions transferred to the
116 department by this chapter. Such rules, regulations, policies, procedures, and
117 administrative orders shall remain in effect until amended, repealed, superseded, or
118 nullified by proper authority or as otherwise provided by law.

119 (c) In reviewing applicants for initial licensure of emergency medical services personnel,
120 the department shall be authorized pursuant to this Code section to obtain conviction data

121 with respect to such applicants for the purposes of determining the suitability of the
122 applicant for licensure.

123 (d) The department shall by rule or regulation, consistent with the requirements of this
124 subsection, establish a procedure for requesting a fingerprint based criminal history records
125 check from the center and the Federal Bureau of Investigation. Fingerprints shall be in
126 such form and of such quality as prescribed by the center and under standards adopted by
127 the Federal Bureau of Investigation. Fees may be charged as necessary to cover the cost
128 of the records search. An applicant may request that a criminal history records check be
129 conducted by a state or local law enforcement agency or by a private vendor approved by
130 the department. Fees for criminal history records checks shall be paid by the applicant to
131 the entity processing the request at the time such request is made. The state or local law
132 enforcement agency or private vendor shall remit payment to the center in such amount as
133 required by the center for conducting a criminal history records check. The department
134 shall accept a criminal history records check whether such request is made through a state
135 or local law enforcement agency or through a private vendor approved by the department.
136 Upon receipt of an authorized request, the center shall promptly cause such criminal
137 records search to be conducted. The center shall notify the department in writing of any
138 finding of disqualifying information, including, but not limited to, any conviction data
139 regarding the fingerprint records check, or if there is no such finding.

140 (e) An applicant with conviction data which indicates a conviction of a felony more than
141 five but less than ten years prior to application shall not be disqualified for licensure,
142 provided that such applicant has:

143 (1) Successfully completed a training program approved by the department and
144 sponsored by the Department of Corrections pursuant to Code Section 42-5-57; and

145 (2) Met all other requirements as set forth in this chapter.

146 (f) Conviction data received by the department or a state or local law enforcement agency
147 shall be privileged and shall not be a public record or disclosed to any person. Conviction

148 data shall be maintained by the department and the state or local law enforcement pursuant
149 to laws regarding such records and the rules and regulations of the center and the Federal
150 Bureau of Investigation. Penalties for the unauthorized release or disclosure of conviction
151 data shall be as prescribed by law or rule or regulation of the center or Federal Bureau of
152 Investigation.

153 ~~(f)~~(g) The center, the department, or any law enforcement agency, or the employees of any
154 such entities, shall neither be responsible for the accuracy of information provided pursuant
155 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any
156 other claim relating to or arising from the dissemination of information pursuant to this
157 Code section."

158 **SECTION 4.**

159 Said title is further amended by revising Code Section 31-11-52, relating to certification and
160 recertification of, and training for, paramedics and cardiac technicians, as follows:

161 "31-11-52.

162 (a) The department shall establish procedures and standards for certifying and recertifying
163 paramedics and cardiac technicians. An applicant for initial certification as a paramedic
164 or a cardiac technician must:

165 (1) Submit a completed application on a form to be prescribed by the department, which
166 shall include evidence that the applicant is 18 years of age or older and is of good moral
167 character;

168 (2) Submit from the department a notarized statement that the applicant has completed
169 a training course approved by the department;

170 (3) Submit to the department a fee as set forth in the regulations of the department; and

171 (4) Meet such other requirements as are set forth in the rules and regulations of the
172 department.

173 (b) The department shall also adopt procedures and standards for its approval of paramedic
174 training courses and cardiac technician training courses. The department shall adopt such
175 regulations after consultation with appropriate public and private agencies and
176 organizations concerned with medical education and the practice of medicine. Procedures
177 and standards adopted by the department shall be consistent with the purposes and
178 provisions of this chapter.

179 (c) An applicant convicted of a felony more than five but less than ten years prior to
180 application shall not be disqualified for certification, provided that such applicant has:

181 (1) Successfully completed a training program approved by the department and
182 sponsored by the Department of Corrections pursuant to Code Section 42-5-57; and

183 (2) Met all other requirements as set forth in this chapter."

184

SECTION 5.

185 Said title is further amended by revising Code Section 31-11-53, relating to services which
186 may be rendered by certified emergency medical technicians and trainees, as follows:

187 "31-11-53.

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

190 (1) Render first-aid and resuscitation services as taught in the United States Department
191 of Transportation basic training courses for emergency medical technicians or an
192 equivalent course approved by the department; ~~and~~

193 (2) Upon the order of a duly licensed physician, administer approved intravenous
194 solutions and opioid antagonists; and

195 (3) Upon the order of a duly licensed physician during a public health emergency, as
196 defined in Code Section 31-12-1.1, administer vaccines.

197 (b) While in training preparatory to becoming certified, emergency medical technician
198 trainees may perform any of the functions specified in this Code section under the direct
199 supervision of a duly licensed physician or a registered nurse."

200

SECTION 6.

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

203 "31-11-55.

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

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

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

208 (A) Perform cardiopulmonary resuscitation and defibrillation in a hemodynamically
209 unstable patient;

210 (B) Administer approved intravenous solutions;

211 (C) Administer parenteral injections of antiarrhythmic agents, vagolytic agents,
212 chronotropic agents, alkalizing agents, analgesic agents, and vasopressor agents or
213 administer opioid antagonists; ~~and~~

214 (D) Perform pulmonary ventilation by esophageal airway and endotracheal intubation;
215 and

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

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

221 **SECTION 7.**

222 Said title is further amended by adding a new Code section to read as follows:

223 "31-11-60.2.

224 (a) All persons licensed or certified based upon successful completion of training set forth
225 in paragraph (1) of subsection (e) of Code Section 31-11-51 or paragraph (1) of
226 subsection (c) of Code Section 31-11-52 shall be subject to random testing for evidence of
227 use of illegal drugs. Such testing shall occur at least biannually for the first two years of
228 licensure or certification. Such testing shall be noninvasive and may be conducted at any
229 time during the calendar year, and the cost of all such testing shall be borne by the
230 employer. If the drug test shows the presence of drugs in the employee's system, the results
231 of the test will be confirmed with an alternative method by using the same urine sample.

232 (b) The department shall adopt rules and regulations to establish for purposes of testing
233 and retesting for illegal drugs:

234 (1) Which illegal drugs will be the subject of testing;

235 (2) Methods for ensuring minimal privacy intrusions during collection of body fluid
236 specimens for such testing;

237 (3) Methods for ensuring proper storage, transportation, and handling of such specimens
238 in order to maintain the integrity of the testing process;

239 (4) Which persons should be entitled to the results of such tests and which methods
240 should be used for ensuring that only authorized persons are given access to such results;

241 (5) A list of laboratories qualified to conduct established drug tests; and

242 (6) Procedures through which emergency medical services personnel, paramedics, or
243 cardiac technicians, prior to the collection of body fluid specimens for such testing, may
244 provide information to their employers regarding use of any drug pursuant to a medical
245 prescription or, as otherwise authorized by law, any substance which could affect the
246 results of such test.

247 (c) Any rules or regulations adopted pursuant to this Code section shall be in compliance
 248 with Parts 40 and 382 of Title 49 of the Code of Federal Regulations."

249 **SECTION 8.**

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

253 "(e)(1) Unless such person has opted out pursuant to paragraph (2) of this subsection,
 254 individually ~~Individually~~ identifiable vaccination information regarding a person may be
 255 provided to the department by, or released by the department to, a:

256 (A) A local health department, hospital, physician, or other provider of medical
 257 services to the person; ~~or to~~

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

260 (C) The United States Department of Health and Human Services and its subsidiaries
 261 through a data use agreement, for the limited purpose of reporting vaccines
 262 administered in response to a public health emergency declared pursuant to Code
 263 Section 38-3-51, for the purpose of averting a serious and imminent threat to life and
 264 safety, so long as the United States Department of Health and Human Services and its
 265 subsidiaries adhere to state and federal privacy laws and so long as a person's name is
 266 not provided by the department

267 without the consent of the person or the person's parents or guardians.

268 (2) Any person or person's parent or guardian if the person is 18 years of age or younger
 269 may request an exemption from enrollment in the state-wide vaccine registry. All persons
 270 shall be enrolled unless a specific exemption is requested by the person or the person's
 271 parent or guardian if the person is 18 years of age or younger. A parent or guardian may
 272 obtain and upon request to the department shall be provided with all individually

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

278 SECTION 9.

279 Code Section 42-5-57 of the Official Code of Georgia Annotated, relating to institution of
280 rehabilitation programs and provision of opportunities for educational, religious, and
281 recreational activities, is amended as follows:

282 "42-5-57.

283 (a) The board, acting alone or in cooperation with the Department of Education, the Board
284 of Regents of the University System of Georgia, or the several state, local, and federal
285 agencies concerned therewith shall be authorized to institute a program of rehabilitation,
286 which may include academic, industrial, mechanical, agricultural, and vocational training,
287 within the confines of a penal institution.

288 (b) The board, acting alone or in cooperation with the Georgia Firefighter Standards and
289 Training Council, shall be authorized to institute a program of rehabilitation which includes
290 training following the Georgia Fire Academy curriculum within the confines of a penal
291 institution.

292 (c) The board, acting alone or in cooperation with the Department of Public Health, shall
293 be authorized to institute a program of rehabilitation which includes training for emergency
294 medical services personnel as such term is defined in Code Section 31-11-49 within the
295 confines of a penal institution.

296 ~~(b)~~(d) The department, in institutions under its control and supervision, shall give the
297 inmates opportunity for reasonable educational, religious, and recreational activities where
298 practicable."

299

SECTION 10.

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

303 "43-34-26.1.

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

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

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

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

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

314 ~~(4)~~(5) 'Nurse' means a registered professional nurse as defined in paragraph (9) of Code
315 Section 43-26-3. The term shall also mean a licensed practical nurse as defined in
316 paragraph (5) of Code Section 43-26-32 who is regularly employed by a physician
317 engaged in the active practice of medicine.

318 ~~(5)~~(6) 'Pharmacist' means an individual licensed under Chapter 4 of Title 26 to engage
319 in the practice of pharmacy in the State of Georgia.

320 ~~(6)~~(7) 'Pharmacy intern' means a pharmacy intern as defined in paragraph (19) of Code
321 Section 26-4-5.

322 ~~(7)~~(8) 'Physician' means an individual licensed to practice medicine and surgery pursuant
323 to this article and whose principal place of practice is located in this state.

324 ~~(8)(9) 'Vaccine' means: a specially prepared antigen which upon administration to a~~
325 ~~person will result in immunity to influenza, pneumococcal disease, shingles, or~~
326 ~~meningitis.~~

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

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

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

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

337 ~~(9)(10) 'Vaccine order' means a prescription drug order, contained in a vaccine protocol~~
338 ~~agreement, for a vaccine issued by a physician for a group of patients who meet certain~~
339 ~~criteria and to be administered by a pharmacist or a nurse. A vaccine order shall also~~
340 ~~mean a prescription drug order, contained in a vaccine protocol agreement, for~~
341 ~~epinephrine issued by a physician for a group of patients who meet certain criteria and~~
342 ~~to be administered by a pharmacist or a nurse only upon the occurrence of an actual or~~
343 ~~perceived anaphylactic adverse reaction to the administered vaccine provided that the~~
344 ~~vaccine protocol agreement sets forth the signs and symptoms that warrant the~~
345 ~~administration of epinephrine.~~

346 ~~(10)(11) 'Vaccine protocol agreement' means a written document mutually agreed upon~~
347 ~~and signed by a physician and a pharmacist or by a physician and a nurse, by which~~
348 ~~document the physician prescribes a vaccine and epinephrine, if determined appropriate~~
349 ~~by the physician, by means of a vaccine order for administration by a pharmacist or a~~
350 ~~nurse.~~

351 (b) A physician engaged in the active practice of medicine may prescribe a vaccine for a
352 group of patients via a vaccine order contained in a vaccine protocol agreement to be
353 administered by a pharmacist, provided the physician resides in Georgia and is registered
354 with the ~~vaccination registry established by the Department of Public Health pursuant to~~
355 ~~Code Section 31-12-3.1, commonly known as the~~ Georgia Registry of Immunization
356 Transactions and Services; the pharmacist holds current certification in Basic Cardiac Life
357 Support and has completed a course of training accredited by the Accreditation Council for
358 Pharmacy Education or similar health authority or professional body approved by the
359 Georgia State Board of Pharmacy; and the pharmacist completes a training program
360 recognized by the federal Centers for Disease Control and Prevention in the basics of
361 immunology which focuses on practice implementation and legal and regulatory issues,
362 composed of: (1) at least 12 hours of self-study and an assessment exam; (2) at least eight
363 hours of live seminar with a final exam; and (3) a hands-on assessment of intramuscular
364 and subcutaneous injection technique. A physician who is a party to a vaccine protocol
365 agreement may also prescribe epinephrine via a vaccine order contained in a vaccine
366 protocol agreement for administration by a pharmacist upon the occurrence of an actual or
367 perceived anaphylactic adverse reaction to the administered vaccine, provided that the
368 vaccine protocol agreement sets forth the signs and symptoms that warrant the
369 administration of epinephrine.

370 (c) A physician engaged in the active practice of medicine may prescribe a vaccine for a
371 group of patients via a vaccine order contained in a vaccine protocol agreement to be
372 administered by a nurse, provided the physician is registered with the ~~vaccination registry~~
373 ~~established by the Department of Public Health pursuant to Code Section 31-12-3.1,~~
374 ~~commonly known as the~~ Georgia Registry of Immunization Transactions and Services, the
375 nurse is located within the county of the physician's place of registration with the
376 vaccination registry or a county contiguous thereto, and the nurse holds current certification
377 in Basic Cardiac Life Support. A physician who is a party to a vaccine protocol agreement

378 may also prescribe epinephrine via a vaccine order contained in a vaccine protocol
379 agreement for administration by a nurse upon the occurrence of an actual or perceived
380 anaphylactic adverse reaction to the administered vaccine provided that the vaccine
381 protocol agreement sets forth the signs and symptoms that warrant the administration of
382 epinephrine.

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

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

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

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

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

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

401 ~~(6) Require the pharmacist or nurse to provide each new vaccine recipient with a~~
402 ~~personal immunization card on card stock paper containing the vaccine recipient's name,~~
403 ~~the pharmacist's or nurse's name and phone number, the name and dosage of the vaccine,~~
404 ~~the location of injection on the vaccine recipient, and the date of the administration of the~~

405 ~~vaccine in legible writing or printed type in a format made available by the Department~~
406 ~~of Public Health. The patient shall produce such card when he or she has subsequent~~
407 ~~vaccines and the pharmacist or nurse shall update such card, unless the patient does not~~
408 ~~have such card, in which case, a new card shall be provided. The written information~~
409 ~~required pursuant to paragraph (5) of this subsection may be included on the card~~
410 ~~provided pursuant to this paragraph;~~

411 ~~(7)~~(6) Require the pharmacist or nurse or his or her employer to retain documentation
412 of each dose of vaccine administered. Such documentation shall include, but not be
413 limited to:

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

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

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

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

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

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

424 ~~(8)~~(7) Require the pharmacist or nurse to make documented reasonable efforts to obtain
425 the name of the vaccine recipient's primary care provider and to notify such primary care
426 provider of the vaccine administered by the pharmacist or nurse within 72 hours of
427 administration;

428 ~~(9)~~(8) Require the pharmacist or nurse to administer the vaccine to a patient in a private
429 room, area with a privacy screen, or other interior area in which the patient's privacy can
430 be maintained. In no event shall a pharmacist or nurse administer a vaccine to a patient
431 in a manner that is designed so that the patient can be served while remaining in his or

432 her personal vehicle. This paragraph shall not apply to mass immunizations in the event
 433 of a public health emergency, as defined in Code Section 31-12-1.1, or for purposes of
 434 training in which vaccinations are administered to large groups of people at one or more
 435 locations in a short interval of time;

436 ~~(10)~~(9) Require the pharmacist, ~~or nurse, or his or her designee to check the Georgia~~
 437 Registry of Immunization Transactions and Services prior to administration of the
 438 vaccine and to enter the patient's vaccine information in the Georgia Registry of
 439 Immunization Transactions and Services within the vaccination registry's designated time
 440 frame, or as designated by the Department of Public Health; provided, however, that a
 441 pharmacist, nurse, or his or her designee shall not be required to check the Georgia
 442 Registry of Immunization Transactions and Services during:

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

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

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

452 ~~(11)~~(10) Require, as a condition of administration of the vaccine, the vaccine recipient
 453 to remain under the observation of ~~the administering~~ a pharmacist or nurse for a period
 454 of not less than 15 minutes immediately subsequent to the administration of the vaccine;

455 ~~(12)~~(11) Contain procedures to follow up on the occurrence of an adverse event or
 456 complication including, if prescribed via a vaccine order contained in a vaccine protocol
 457 agreement, the administration of epinephrine;

- 458 ~~(13)~~(12) Provide for prioritization of vaccine recipients in the event the supply of a
459 vaccine is limited;
- 460 ~~(14)~~(13) Require the pharmacist or nurse to maintain individual liability insurance
461 coverage or be individually covered by his or her employer's liability insurance coverage
462 in an amount not less than \$250,000.00 to cover claims arising from administration of
463 vaccines by the pharmacist or nurse pursuant to a vaccine protocol agreement and to
464 provide proof of such coverage to the physician for submission to the board with the
465 vaccine protocol agreement. The pharmacist or nurse shall also retain a copy of the proof
466 of insurance coverage, including the name of the insurer and policy number, onsite at his
467 or her primary location for inspection by the Georgia Drugs and Narcotics Agency, upon
468 request;
- 469 ~~(15)~~(14) Require the pharmacist or nurse to post proof of the vaccine protocol
470 agreement, including a list of the vaccines authorized by such protocol, in a conspicuous
471 location within the pharmacy, ~~local health department~~, or other setting in which the
472 vaccine is being administered;
- 473 ~~(16)~~(15) Require the pharmacist or nurse to submit a signed and notarized affidavit to
474 the physician attesting to the following:
- 475 (A) Compliance with paragraph ~~(14)~~ (13) of this subsection regarding maintenance of
476 liability insurance;
- 477 (B) Verification that the pharmacist or nurse holds current certification in Basic
478 Cardiac Life Support as required by subsections (b) and (c) of this Code section and,
479 for pharmacists, verification of completion of immunology training as required by
480 subsection (b) of this Code section;
- 481 (C) The pharmacist or nurse has a copy of the vaccine protocol agreement and agrees
482 to comply with its requirements; and
- 483 (D) Identification of the pharmacist's or nurse's location or locations in which he or she
484 will be administering vaccinations pursuant to the vaccine protocol agreement.

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

492 ~~(17)~~(16) Be renewed and, if necessary, revised or updated biennially by the physician
493 and the pharmacist or nurse. A vaccine protocol agreement that is not renewed biennially
494 shall expire.

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

499 (f) A nurse who is a party to a vaccine protocol agreement pursuant to this Code section
500 shall not delegate the administration of a vaccine to any individual, whether or not any such
501 individual is under the supervision, direct or otherwise, of the nurse; provided, however,
502 that notwithstanding the requirement of employment by a physician in paragraph ~~(4)~~ (5)
503 of subsection (a) of this Code section, a registered professional nurse who is a party to a
504 vaccine protocol agreement pursuant to this Code section may delegate the administration
505 of a vaccine to a licensed practical nurse under the direct on-site supervision of the
506 registered professional nurse.

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

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

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

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

524 (k) It shall be unlawful for a physician who is employed by a pharmacist or nurse to enter
525 into a vaccine protocol agreement or otherwise delegate medical acts to such pharmacist
526 or nurse. It shall be unlawful for a physician who is employed by a pharmacy to enter into
527 a vaccine protocol agreement or otherwise delegate medical acts to a pharmacist or nurse
528 who is also employed by such pharmacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

569 (C) If the vaccine recipient is not a patient within the hospital or health system, a
570 ~~personal immunization card on card stock paper containing the vaccine recipient's~~
571 ~~name, the pharmacist's or nurse's name and phone number, the name and dosage of the~~
572 ~~vaccine, the injection site on the vaccine recipient, the date of the administration of the~~
573 ~~vaccine in legible writing or printed type in a format made available by the Department~~
574 ~~of Public Health, and written information developed by the Department of Public~~
575 ~~Health on the importance of having and periodically seeing a primary care physician~~
576 ~~shall be provided to the vaccine recipient~~ the pharmacist, nurse, or his or her designee
577 shall be required to check the Georgia Registry of Immunization Transactions and
578 Services prior to administration of the vaccine and to enter the patient's vaccine
579 information in the Georgia Registry of Immunization Transactions and Services within
580 the vaccination registry's designated time frame, or as designated by the Department of
581 Public Health; provided, however, that a pharmacist, nurse, or his or her designee shall
582 not be required to check the Georgia Registry of Immunization Transactions and
583 Services during:

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

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

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

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

596 As used in this paragraph, the term 'health system' means (i) a parent corporation of one
597 or more hospitals and any entity affiliated with such parent corporation through
598 ownership, governance, membership, or other means; or (ii) a hospital and any entity
599 affiliated with such hospital through ownership, governance, membership, or other
600 means.

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

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

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

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

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

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

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

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

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

619 (2) A pharmacist or nurse who knowingly administers a vaccine without a vaccine
620 protocol agreement as required by this Code section may be assessed a fine of up to
621 \$2,500.00 and may be prohibited from administering vaccines pursuant to this Code
622 section for up to one year as determined by the board.

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

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

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

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

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

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

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

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

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

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

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

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

645 **SECTION 11.**

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

648 **SECTION 12.**

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