

House Bill 1035

By: Representatives Cooper of the 45th, Hawkins of the 27th, Seabaugh of the 34th, Stoner of the 40th, and Dempsey of the 13th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
2 relating to dangerous drugs, so as to expand the exemption of naloxone from the definition
3 of a dangerous drug to include any opioid antagonist when used for drug overdose
4 prevention; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
5 relating to pharmacists and pharmacies, so as to authorize the board of pharmacy to regulate
6 the sale and supply of opioid antagonists through vending machines; to provide that
7 practitioners may dispense and supply opioid antagonists to certain individuals and entities;
8 to repeal the requirement that an opioid antagonist must have a prescription in order for a
9 individual who administers it to have civil, criminal, and professional immunity; to provide
10 immunity for harm reduction organizations that supply opioid antagonists to certain
11 individuals; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Article 3 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
15 dangerous drugs, is amended in subsection (c) of Code Section 16-13-71, relating to the

16 definition of a dangerous drug, by striking paragraph (14.25) and adding a new paragraph to
17 read as follows:

18 "(16.92) Any opioid antagonist, as defined in Code Section 26-4-116.2, shall also be
19 exempt from subsections (a) and (b) of this Code section when used for drug overdose
20 prevention and when supplied by a dispenser or an authorized wholesale distributor."

21 **SECTION 2.**

22 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
23 pharmacies, is amended by revising Code Section 26-4-89, relating to prohibition of selling
24 drugs in vending machines, remote automated medication system excluded, as follows:

25 "26-4-89.

26 (a) Any person who shall sell or dispense drugs by the use of vending machines shall be
27 guilty of a misdemeanor.

28 (b) A remote automated medication system shall not be considered a vending machine for
29 purposes of this Code section.

30 (c) Notwithstanding subsection (a) of this Code section, the board shall have the authority
31 to regulate the sale and supply of opioid antagonists, as defined in Code Section
32 26-4-116.2, through vending machines."

33 **SECTION 3.**

34 Said chapter is further amended in Code Section 26-4-116.2, relating to authorization of
35 licensed health practitioners to prescribe opioid antagonists, pharmacists authorized to fill
36 prescriptions, and immunity from liability, by revising subsections (b), (d), and (e) as
37 follows:

38 "(b) A practitioner acting in good faith and in compliance with the standard of care
39 applicable to that practitioner may prescribe and dispense an opioid antagonist for use in
40 accordance with a protocol specified by such practitioner, and may supply opioid

41 antagonists to a person at risk of experiencing an opioid related overdose or to a pain
42 management clinic, first responder, harm reduction organization, family member, friend,
43 or other person in a position to assist a person at risk of experiencing an opioid related
44 overdose."

45 "(d) A person acting in good faith and with reasonable care to another person whom he or
46 she believes to be experiencing an opioid related overdose may administer an opioid
47 antagonist ~~that was prescribed pursuant to subsection (b) of this Code section in accordance~~
48 ~~with the protocol specified by the practitioner or pursuant to Code Section 31-1-10.~~

49 (e) The following ~~individuals~~ persons shall be immune from any civil liability, criminal
50 responsibility, or professional licensing sanctions for the following actions authorized by
51 this Code section:

52 (1) Any practitioner acting in good faith and in compliance with the standard of care
53 applicable to that practitioner who prescribes an opioid antagonist pursuant to
54 subsection (b) of this Code section;

55 (2) Any practitioner or pharmacist acting in good faith and in compliance with the
56 standard of care applicable to that practitioner or pharmacist who dispenses or supplies
57 an opioid antagonist pursuant to a prescription issued in accordance with subsection (b)
58 of this Code section;

59 (3) The state health officer acting in good faith and as provided in Code Section 31-1-10;
60 ~~and~~

61 (4) Any person acting in good faith, other than a practitioner, who administers an opioid
62 antagonist pursuant to subsection (d) of this Code section; and

63 (5) Any harm reduction organization acting in good faith and within its scope of services
64 that supplies an opioid antagonist to individuals at risk of experiencing an opioid related
65 overdose."

66

SECTION 4.

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