

Senate Bill 314

By: Senators Esteves of the 35th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th, McLaurin of the 14th and others

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 provide for the establishment of a wholesale prescription drug importation program and the
3 procedures for implementing such program; to provide for definitions; to provide for related
4 matters; to provide for contingent effectiveness upon appropriation of funds; to provide for
5 a short title; to provide for a legislative finding; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Wholesale Prescription Drug Importation
10 Act."

11 **SECTION 2.**

12 The General Assembly finds that access to affordable medications is a public health issue
13 that impacts many Georgians and the establishment of a wholesale prescription drug
14 importation program can serve as a solution to thousands of those Georgians and may
15 provide them with the opportunity to obtain life-saving and life-preserving medications.

S. B. 314

- 1 -

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SECTION 3.

17 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
18 a new chapter to read as follows:

19

"CHAPTER 8A20 31-8A-1.21 As used in this chapter, the term:

22 (1) 'Canadian supplier' means a manufacturer, wholesale distributor, or pharmacy that
23 is appropriately licensed or permitted under Canadian federal or provincial laws and rules
24 to manufacture, distribute, or dispense prescription drugs.

25 (2) 'Commissioner' means the commissioner of community health.

26 (3) 'Department' means the Department of Community Health.

27 (4) 'Division' means the division within the Department of Community Health that
28 administers the wholesale prescription drug importation program.

29 (5) 'Health benefit plan' means a policy, contract, certificate, or agreement entered into,
30 offered by, or issued by an insurer to provide, deliver, arrange for, pay for, or reimburse
31 any of the costs of healthcare services.

32 (6) 'Healthcare provider' means any of the following who provide medical, dental, or
33 other health related diagnoses, care, or treatment:

34 (A) Dentists and dental hygienists licensed under Chapter 11 of Title 43;

35 (B) Optometrists licensed under Chapter 30 of Title 43;

36 (C) Pharmacists licensed under Chapter 4 of Title 26;

37 (D) Physician assistants licensed under Chapter 34 of Title 43;

38 (E) Physicians licensed to practice medicine under Chapter 34 of Title 43; and

39 (F) Registered nurses and licensed practical nurses licensed under Chapter 26 of
40 Title 43.

41 (7) 'Prescription drug wholesaler' means an entity licensed by the State Board of
42 Pharmacy as a wholesale distributor under Chapter 4 of Title 26 that contracts with this
43 state to import prescription drugs into this state under the program.

44 (8) 'Program' means the wholesale prescription drug importation program established
45 under this chapter.

46 31-8A-2.

47 (a) The department, in consultation with the State Board of Pharmacy and interested
48 parties, shall design and establish a wholesale prescription drug importation program that
49 complies with the applicable requirements of 21 U.S.C. Section 384 and in conformity with
50 applicable federal regulations. The purpose of such drug importation program shall be to
51 provide better access to prescription drugs and a significant reduction in prescription drug
52 costs for patients in this state.

53 (b) The division shall implement the program by:

54 (1) Contracting with one or more prescription drug wholesalers and Canadian suppliers
55 to import prescription drugs and provide prescription drug cost savings to consumers in
56 this state;

57 (2) Developing a registration process for health benefit plans, healthcare providers, and
58 pharmacies to obtain and dispense prescription drugs imported under the program;

59 (3) Developing a list of prescription drugs, including the prices of those drugs, that meet
60 the requirements of Code Section 31-8A-3 and publishing the list on the department's
61 public website;

62 (4) Establishing an outreach and marketing plan to generate program awareness;

63 (5) Establishing and administering a telephone call center or electronic portal to provide
64 information about the program;

- 65 (6) Ensuring the program and the prescription drug wholesalers that contract with this
66 state in accordance with this chapter comply with the tracking, tracing, verification, and
67 identification requirements of 21 U.S.C. Section 360eee-1;
68 (7) Prohibiting the distribution, dispensing, or sale of prescription drugs imported under
69 this chapter outside the boundaries of this state;
70 (8) Ensuring that the program meets the requirements of 21 U.S.C. Section 384;
71 (9) Consulting with the State Board of Pharmacy and other interested parties; and
72 (10) Performing any other duties the commissioner determines necessary to implement
73 the program.

74 31-8A-3.

75 A prescription drug may be imported into this state under the program only if the drug:

- 76 (1) Meets the United States Food and Drug Administration's standards related to
77 prescription drug safety, effectiveness, misbranding, and adulteration;
78 (2) Does not violate any federal patent laws through its importation;
79 (3) Is expected to generate cost savings for consumers; and
80 (4) Is not:
81 (A) Listed as a controlled substance under state or federal law;
82 (B) A biological product, as defined in subsection (i) of Section 351 of the federal
83 Public Health Service Act, 42 U.S.C. Section 262, as of January 1, 2025;
84 (C) An infused drug;
85 (D) An intravenously injected drug;
86 (E) A drug that is inhaled during surgery; or
87 (F) A parenteral drug.

88 31-8A-4.

89 The division, in consultation with this state's Attorney General, shall identify and monitor
90 any potential anticompetitive activities in industries affected by the program.

91 31-8A-5.

92 The commissioner shall promulgate rules and regulations to effectively audit a prescription
93 drug wholesaler participating in the program.

94 31-8A-6.

95 No later than December 1 of each year, the department shall submit a report to the
96 Governor and the General Assembly regarding the operation of the program during the
97 preceding fiscal year, including:

98 (1) Which prescription drugs and Canadian suppliers are included in the program;

99 (2) The number of health benefit plans, healthcare providers, and pharmacies
100 participating in the program;

101 (3) The number of prescriptions dispensed through the program;

102 (4) The estimated cost savings to consumers, health benefit plans, employers, and this
103 state since the establishment of the program and during the preceding fiscal year;

104 (5) Information regarding the implementation of the audit referenced in this chapter; and

105 (6) Any other information the Governor, General Assembly, or department considers
106 necessary.

107 31-8A-7.

108 The commissioner shall adopt any rules and regulations necessary to implement this
109 chapter.

110 31-8A-8.

111 If, before implementing any provision of this chapter, the department, the Board of
112 Pharmacy, or any state agency determines that a waiver or authorization from a federal
113 agency is necessary for implementation of any portion of this chapter, the agency affected
114 shall request the waiver or authorization and may delay implementing the provisions of this
115 chapter until the waiver or authorization is granted."

116 **SECTION 4.**

117 This Act shall become effective on July 1, 2026, only if funds are specifically appropriated
118 for the purposes of this Act in an appropriations Act before such date which makes specific
119 reference to this Act and such funds so appropriated have become available for expenditure.

120 **SECTION 5.**

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