

Senate Bill 140

By: Senators Dolezal of the 27th, Brass of the 6th, Harbison of the 15th, Still of the 48th, Hickman of the 4th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to
2 optometrists, so as to provide for doctors of optometry to dispense and sell pharmaceutical
3 agents to patients under certain conditions; to provide for related matters; to provide for an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists,
8 is amended by revising subparagraph (H) of paragraph (2) of Code Section 43-30-1, relating
9 to definitions, as follows:

10 ~~"(H)(i) Nothing in this chapter shall be construed to allow a A~~ doctor of optometry
11 ~~to may dispense and sell pharmaceutical agents, other than controlled substances, that~~
12 ~~are related to the treatment of diseases and conditions of the eye and adnexa oculi and~~
13 ~~are for a legitimate medical purpose to patients provided that a doctor of optometry~~
14 ~~shall:~~

15 (I) Be on the premises when any pharmaceutical agent is dispensed to a patient and
16 be actively involved in the dispensing process;

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- 17 (II) Inform the patient on the appropriate use of the pharmaceutical agent being
 18 dispensed;
 19 (III) Document in the patient's record the name, strength, quantity, and appropriate
 20 use of the pharmaceutical agent dispensed; and
 21 (IV) Maintain a readily retrievable record system by manual or electronic means
 22 of all the pharmaceutical agents purchased for administration, dispensing, or selling
 23 in the course of the professional practice.
 24 (ii) Nothing in this subparagraph shall expand the administrative or prescriptive
 25 authority of a doctor of optometry."

26 **SECTION 2.**

27 Said chapter is further amended by revising subsection (a) of Code Section 43-30-13, relating
 28 to construction of chapter, as follows:

29 "(a) Nothing in this chapter shall be construed to apply to physicians and surgeons duly
 30 licensed to practice medicine, ~~nor~~ to prevent persons from selling spectacles or eyeglasses
 31 on prescription from any duly qualified optometrist or physician, ~~nor~~ to prevent any person
 32 from selling glasses as articles of merchandise or from using test cards in connection with
 33 the sale of such glasses at a permanently located place when not trafficking or attempting
 34 to traffic upon assumed skill in optometry; ~~nor shall anything in this chapter be construed~~
 35 or to authorize any registered optometrist to use, dispense, sell, prescribe, or administer
 36 drugs except as permitted by law ~~or~~ to practice medicine or surgery in any manner as
 37 defined by the laws of this state; ~~nor shall this chapter be construed to authorize any such~~
 38 person , or to use the title of 'M.D.' or any other title mentioned in Code Section 43-34-21
 39 or 43-34-22."

40 **SECTION 3.**

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

43 **SECTION 4.**

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