

The House Committee on Health offers the following substitute to SB 140:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 and Chapter 30 of Title 43 of the Official Code of Georgia
2 Annotated, relating to pharmacists and pharmacies and optometrists, respectively, so as to
3 provide for doctors of optometry to dispense and sell pharmaceutical agents to patients under
4 certain conditions; to provide for a definition; to provide for compliance with certain rules
5 and regulations of the State Board of Pharmacy; to provide for related matters; to provide for
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
10 pharmacies, is amended by revising paragraph (2) of subsection (a) of Code
11 Section 26-4-130, relating to dispensing drugs, compliance with labeling and packaging
12 requirements, records available for inspection by board, and renewal of licenses, as follows:

13 "(2) 'Practitioner' or 'practitioner of the healing arts' means, notwithstanding Code
14 Section 26-4-5, a person licensed as a dentist, optometrist, physician, podiatrist, or
15 veterinarian under Chapter 11, 30, 34, 35, or 50, respectively, of Title 43."

SECTION 2.

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

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

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

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(II) Inform the patient on the appropriate use of the pharmaceutical agent being
dispensed;

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(III) Document in the patient's record the name, strength, quantity, and appropriate
use of the pharmaceutical agent dispensed;

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(IV) Maintain a readily retrievable record system by manual or electronic means
of all the pharmaceutical agents purchased for administration, dispensing, or selling
in the course of the professional practice; and

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(V) Comply with the requirements under Code Section 26-4-130 and the rules and
regulations established pursuant thereto by the State Board of Pharmacy.

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(ii) Nothing in this subparagraph shall expand the administrative or prescriptive
authority of a doctor of optometry."

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SECTION 3.

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

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

52 **SECTION 4.**

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

55 **SECTION 5.**

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