

The Senate Committee on Health and Human Services offered the following substitute to HB 717:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated,  
2 relating to the "Medical Practice Act of the State of Georgia," so as to provide for the  
3 regulation of the administration of psychedelic-assisted treatment and therapy; to provide for  
4 definitions; to provide for standards; to provide for requirements; to provide for the  
5 establishment of rules and regulations; to provide for licensure of clinics; to provide for  
6 statutory construction; to provide a criminal penalty; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the  
11 "Medical Practice Act of the State of Georgia," is amended by adding a new Code section  
12 to read as follows:

13 "43-34-49.

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

15 (1) 'Clinic' means a facility that offers the administration of psychedelic-assisted  
16 treatment and therapy, including, but not limited to, intravenous infusion of ketamine.

17 (2) 'Psychedelic-assisted treatment and therapy' means any treatment or therapy using  
18 psychedelic, dissociative, or other related substances that have the potential to produce  
19 hallucinations or rapidly induce suggestibility in the user or profound changes in  
20 perceptions of reality or the self.

21 (b) No later than December 31, 2026, the board shall establish rules and regulations for the  
22 administration of psychedelic-assisted treatment and therapy in clinics to establish  
23 consistent standards, ensure continuing competency, and promote patient safety. Such  
24 rules and regulations shall include requirements on:

25 (1) A properly equipped and maintained clinic to ensure patient safety, which may be  
26 demonstrated by appropriate accreditation or certification;

27 (2) Competency of the physician using psychedelic-assisted treatment and therapy in the  
28 absence of an anesthesiologist, anesthesiologist assistant, or certified registered nurse  
29 anesthetist, including education and relevant training;

30 (3) Proper prescribing and ordering of psychedelic-assisted treatment and therapy;

31 (4) Proper administration and management of psychedelic-assisted treatment and  
32 therapy;

33 (5) Emergency care and transfer protocols in the event of a complication or emergency;

34 (6) Maintenance of complete and accurate medical records;

35 (7) Reporting of adverse events to the board;

36 (8) Required continuing medical education;

37 (9) Truth in advertising regarding the credentials, education, and training of the  
38 individuals administering psychedelic-assisted treatment and therapy; and

39 (10) Inspection procedures.

40 (c) Any physician, physician assistant, anesthesiologist assistant, or certified registered  
41 nurse anesthetist administering, directing, or supervising psychedelic-assisted treatment  
42 and therapy in a clinic shall be subject to the rules and regulations established by the board  
43 pursuant to this Code section. The board may establish minimum standards of continuing

44 medical education for all healthcare professionals owning a clinic. All other licensed  
45 healthcare professionals practicing in a clinic may be subject to minimum standards of  
46 continuing education established by the respective licensing board for such healthcare  
47 professionals.

48 (d)(1) On and after July 1, 2027, all clinics shall be licensed by the board and shall  
49 biennially renew their license with the board. In the event that physicians in a clinic  
50 practice at more than one location, each such location shall be licensed by the board, and  
51 such license shall be nontransferable.

52 (2) Upon the filing of an application for a license, the board may cause a thorough  
53 investigation of the applicant to be made and such investigation may include a criminal  
54 background check; provided, however, that the board shall cause a thorough investigation  
55 of a new applicant to be made, and such investigation shall include a background check.  
56 If satisfied that the applicant possesses the necessary qualifications, the board shall issue  
57 a license. However, the board may issue licenses with varying restrictions to such  
58 persons where the board deems it necessary for the purpose of safeguarding the public  
59 health, safety, and welfare.

60 (3) Whenever an applicable rule requires or prohibits action by a clinic, responsibility  
61 shall be that of the owner and the physicians practicing in such clinic, whether the owner  
62 is a sole proprietor, partnership, association, corporation, or otherwise.

63 (4) The board shall deny or refuse to renew a clinic license if it determines that the  
64 granting or renewing of such license would not be in the public interest.

65 (5)(A) A clinic shall be owned by one or more physicians or certified registered nurse  
66 anesthetists licensed in this state who meet the competency requirements for  
67 psychedelic-assisted treatment and therapy established by the board, including, but not  
68 limited to, advanced airway management training.

69 (B) Subparagraph (A) of this paragraph shall not apply to any clinic in existence and  
70 operational on the effective date of this Act; provided, however, that any such clinic

71 shall be subject to and in compliance with all other provisions of this Code section in  
72 order to operate.

73 (6) All licenses shall expire biennially unless renewed. All applications for renewal of  
74 a license shall be filed with the board prior to the expiration date, accompanied by the  
75 biennial renewal fee prescribed by the board. A license which has expired for failure of  
76 the holder to renew may be late renewed after application and payment of the prescribed  
77 late renewal fee within the time period established by the board and provided the  
78 applicant meets such requirements as the board may establish by rule. Any license which  
79 has not been renewed by the end of the late renewal period shall be considered revoked  
80 and subject to reinstatement at the discretion of the board after meeting such requirements  
81 as the board may establish.

82 (e)(1) Each clinic licensed under this Code section shall:

83 (A) Execute a hospital affiliation agreement with one or more hospitals licensed in this  
84 state within a reasonable distance from such clinic or have medical staff at such clinic  
85 with admitting privileges or other similar documented arrangements with such hospital  
86 or hospitals to ensure the necessary backup for medical complications; and

87 (B) Have the capability to transfer a patient immediately to a hospital within a  
88 reasonable distance from such clinic with adequate emergency room services.

89 (2) A hospital shall not unreasonably deny a transfer agreement with a clinic for the  
90 purposes set forth in paragraph (1) of this subsection.

91 (f) Administration of psychedelic-assisted treatment and therapy in a clinic shall only be  
92 performed by:

93 (1) A physician licensed in this state with advanced airway management training;

94 (2) A certified registered nurse anesthetist licensed in this state under the direction and  
95 responsibility of a duly licensed physician;

96 (3) An anesthesiologist assistant licensed in this state under the direct supervision of a  
97 duly licensed anesthesiologist;

- 98 (4) A nurse practitioner licensed in this state who has airway management training, has  
99 at least five years of clinical experience, is acting pursuant to a nurse protocol agreement  
100 as described in Code Section 43-34-25, and has the express written approval of the board;  
101 or
- 102 (5) A physician assistant licensed in this state who has airway management training, has  
103 at least five years of clinical experience, is acting pursuant to a job description as  
104 described in subsection (e.1) of Code Section 43-34-103, and has the express written  
105 approval of the board.
- 106 (g) A review of the prescription drug monitoring program database established pursuant  
107 to Code Section 16-13-57 shall be completed for each patient and documented in the  
108 patient's medical record prior to the administration of any psychedelic-assisted treatment  
109 and therapy and all administration of any psychedelic-assisted treatment and therapy shall  
110 be reported to the prescription drug monitoring program by the clinic.
- 111 (h) Except as otherwise provided in subsection (f) of this Code section, any person who  
112 administers psychedelic-assisted treatment and therapy in this state without a license to  
113 practice medicine from the board shall be deemed to be engaged in the unlawful practice  
114 of medicine and subject to the provisions of Code Sections 43-34-39 and 43-34-42.
- 115 (i) Nothing in this Code section shall be construed to permit the use of drugs or substances  
116 not approved by the federal Food and Drug Administration.
- 117 (j) Nothing in this Code section shall be construed to apply to the administration of  
118 psychedelic-assisted treatment and therapy in a clinic affiliated with a hospital or in a  
119 clinical trial approved by the federal Food and Drug Administration.
- 120 (k) Nothing in this Code section shall be construed to apply to the administration of drugs  
121 approved by the federal Food and Drug Administration for such drugs' Food and Drug  
122 Administration approved on-label indication for use.
- 123 (l) Any person convicted of operating a clinic in this state without a license in violation  
124 of paragraph (1) of subsection (d) of this Code section shall be guilty of a felony and shall

125 be punished by imprisonment for not less than one year nor more than five years or by a  
126 fine of not less than \$1,000.00 nor more than \$5,000.00, or both."

127

**SECTION 2.**

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