

The Senate Committee on Health and Human Services offered the following substitute to HB 1138:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapters 2 and 4 of Title 26 of the Official Code of Georgia Annotated, relating  
2 to standards, labeling, and adulteration of foods and pharmacists and pharmacies,  
3 respectively, so as to require corn masa flour and wet corn masa products to contain certain  
4 amounts of folic acid; to provide for certain labeling requirements; to authorize rules and  
5 regulations; to provide for penalties; to provide for definitions; to authorize pharmacists in  
6 certain circumstances to dispense self-administered hormonal contraceptives or administer  
7 injectable hormonal contraceptives; to provide for a definition; to provide for a joint protocol  
8 agreement; to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia  
9 Annotated, relating to general provisions regarding insurance, so as to provide minimum  
10 amounts of certain contraceptives that shall be provided by insurers; to provide for  
11 compensation of pharmacists; to amend Article 7 of Chapter 4 of Title 49 of the Official  
12 Code of Georgia Annotated, relating to medical assistance generally, so as to provide for  
13 certain minimums regarding Medicaid contraception coverage; to provide for compensation  
14 of pharmacists; to provide for a short title; to provide for an effective date and applicability;  
15 to provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17

**PART I**

18

**SECTION 1-1.**

19 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,  
20 labeling, and adulteration of food, is amended by adding a new article to read as follows:

21

"ARTICLE 2022 26-2-490.

23 This article shall be known and may be cited as the 'Corn Masa Nutrition Enhancement  
24 Act.'

25 26-2-491.26 As used in this article, the term:27 (1) 'Commissioner' means the Commissioner of Agriculture.

28 (2) 'Corn masa' means a dough-like food product made from corn that has been soaked  
29 in water and lime or otherwise undergoes a process known as nixtamalization.

30 (3) 'Corn masa flour' means a dry flour-like food product made from corn masa.

31 (4) 'Cottage food operator' means a person who produces cottage food products only for  
32 sale directly to a consumer who does not offer such food products or components of such  
33 food products for resale.

34 (5) 'Cottage food product' means a nonpotentially hazardous food product which is  
35 produced in an individual's primary domestic residence using noncommercial equipment,  
36 including, but not limited to, baked goods, jams, jellies, and preserves.

37 (6) 'Food product' shall have the same meaning as 'food' as defined in Code Section  
38 26-2-21.

39 (7) 'Food service establishment' shall have the same meaning as set forth in Code Section  
40 26-2-370.

41 (8) 'Manufacturer' means:

42 (A) Any entity which manufactures, makes, produces, or causes to be produced corn  
43 masa flour or wet corn masa product to be sold in this state or corn masa flour or wet  
44 corn masa product that such entity intends to be sold in this state;

45 (B) The first purchaser of corn masa flour or wet corn masa product manufactured  
46 anywhere that intends to resell such corn masa flour or wet corn masa product in this  
47 state regardless of whether the original manufacturer, maker, or producer intends such  
48 corn masa flour or wet corn masa product to be sold in this state; or

49 (C) Any entity which becomes a successor of an entity described in subparagraph (A)  
50 or (B) of this paragraph.

51 (9) 'Nonpotentially hazardous food product' means a food product that does not require  
52 temperature control for safety because it is not capable of supporting the rapid growth of  
53 pathogenic or toxigenic microorganisms or the growth and toxin production of  
54 Clostridium botulinum.

55 (10) 'Person' means any individual, partnership, association, firm, public or private  
56 corporation, trust, or unincorporated organization. Such term shall include a  
57 manufacturer.

58 (11) 'Snack food' means a food product that is intended for immediate consumption,  
59 including, but not limited to, chips, crisps, or extruded food products. Such term shall not  
60 include a food product primarily made from corn masa flour or wet corn masa products  
61 that is bulk packaged or is commonly used as a primary ingredient in meal preparation,  
62 including, but not limited to, tortillas.

63 (12) 'Wet corn masa product' means a food product made primarily from corn masa  
64 manufactured through a vertically integrated or wet masa manufacturing process, but  
65 excludes products made with corn masa flour.

66 26-2-492.

67 (a) Beginning on July 1, 2027, except as otherwise provided in subsection (b) of this Code  
68 section:

69 (1) All corn masa flour manufactured, sold, delivered, distributed, held, offered for sale,  
70 or used as an ingredient in the manufacture of a food product shall contain folic acid at  
71 a level of 0.7 milligrams of folic acid per pound of corn masa flour within an acceptable  
72 industry standard deviation of error;

73 (2) All wet corn masa products manufactured, sold, delivered, distributed, held, offered  
74 for sale, or used as an ingredient in the manufacture of a food product shall contain folic  
75 acid at a level of 0.4 milligrams of folic acid per pound of end product within an  
76 acceptable industry standard of deviation of error; and

77 (3) No person shall distribute, sell, or offer for sale in this state any newly manufactured  
78 corn masa flour or wet corn masa products unless such corn masa flour or wet corn masa  
79 products contains:

80 (A) A declaration of folic acid on the nutrition label, as required by any applicable  
81 federal law, including, but not limited to, 21 C.F.R. Section 101.9; and

82 (B) A declaration on the product label that such product contains corn masa.

83 (b) The provisions of subsection (a) of this Code section shall not apply to:

84 (1) Any person that manufactures, sells, delivers, distributes, holds, offers for sale, or  
85 uses corn masa flour as an ingredient in the manufacture of snack foods;

86 (2) A cottage food operator, or a supplier to any such operator, that manufactures, sells,  
87 delivers, distributes, holds, offers for sale, or uses corn masa as an ingredient in the  
88 manufacture of cottage food products; or

89 (3) A food service establishment that uses corn masa as an ingredient in the manufacture  
90 of food products.

91 (c) The Commissioner is authorized to promulgate rules and regulations as may be  
92 necessary to carry out and implement the provisions of this article.

93 26-2-493.

94 Any person who violates this article or any rule or regulation promulgated by the  
95 Commissioner pursuant to this article shall be guilty of a misdemeanor and shall be  
96 punished by confinement for not more than 12 months, a fine of not more than \$1,000.00,  
97 or both."

98

## PART II

99

### SECTION 2-1.

100 This Act shall be known and may be cited as the "Increasing Access to Contraceptives Act."

101

### SECTION 2-2.

102 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and  
103 pharmacies, is amended by adding a new Code section to read as follows:

104 "26-4-53.

105 (a) As used in this Code section, the term 'practitioner' means a physician duly licensed  
106 under Article 2 of Chapter 34 of Title 43, advanced practice registered nurse acting  
107 pursuant to the authority under Code Section 43-34-25, or physician assistant acting  
108 pursuant to the authority under Code Sections 43-34-23 and 43-34-105, who is a resident  
109 of and actively engaged in the practice of his or her profession in this state.

110 (b) A person licensed under Chapter 4 of this title, the 'Georgia Pharmacy Practice Act,'  
111 who is acting in good faith and exercising reasonable care as a pharmacist and who is  
112 employed by a hospital or a pharmacy that is licensed by this state may dispense a  
113 self-administered contraceptive or administer an injectable contraceptive pursuant to a  
114 written joint protocol agreement issued in accordance with subsection (d) of this Code  
115 section to a patient.

116 (c) Nothing in this Code section shall be construed to require a pharmacist to dispense a  
117 self-administered contraceptive or administer an injectable contraceptive. Nothing in this  
118 article shall be construed to amend a pharmacist's duties to dispense or otherwise provide  
119 contraception prescribed by a practitioner.

120 (d) The Department of Public Health and the Georgia State Board of Pharmacy shall issue  
121 a written joint protocol agreement to take effect on January 1, 2027, which shall authorize  
122 pharmacists to dispense self-administered contraceptives and administer injectable  
123 contraceptives without a patient-specific written order, and such agreement shall include  
124 the following:

125 (1) Education or training that the Georgia State Board of Pharmacy shall determine to  
126 be necessary for a pharmacist to dispense a self-administered contraceptive or administer  
127 an injectable contraceptive;

128 (2) Information that a pharmacist shall provide to a patient prior to dispensing a  
129 self-administered contraceptive or administering an injectable contraceptive and  
130 confirmation that the required information was provided to the patient;

131 (3) Documentation regarding the dispensing of a self-administered contraceptive or the  
132 administering of an injectable contraceptive;

133 (4) Evaluation and review of the dispensing and administration practices used by  
134 pharmacists authorized to dispense a self-administered contraceptive or administer an  
135 injectable contraceptive; and

136 (5) Any additional provisions that the Department of Public Health and the Georgia State  
137 Board of Pharmacy determine to be necessary or appropriate for inclusion in the protocol,  
138 including any reporting requirements.

139 (e) For each new patient requesting a self-administered contraceptive or injectable  
140 contraceptive and at least every 12 months for each returning patient, the written joint  
141 protocol agreement provided in subsection (d) of this Code section shall require a

142 pharmacist dispensing or administering such contraceptives pursuant to this Code section  
143 to:

- 144 (1) Obtain a completed self-screening risk assessment;
- 145 (2) Utilize a standardized procedure as established by the Department of Public Health  
146 and the Georgia State Board of Pharmacy to perform a patient assessment;
- 147 (3) Dispense, if clinically appropriate, a self-administered contraceptive or administer  
148 an injectable contraceptive, or refer the patient to a practitioner;
- 149 (4) Provide the patient with a visit summary;
- 150 (5) Advise the patient to consult with a practitioner;
- 151 (6) Refer any patient who may be subject to abuse to the appropriate social services  
152 agency; and
- 153 (7) Ensure that the pharmacy provides appropriate space to prevent the spread of  
154 infection and ensure confidentiality.

155 (f) The Department of Public Health and the Georgia State Board of Pharmacy may  
156 appoint an advisory committee of healthcare professionals licensed in this state to advise  
157 and assist in the development of the written joint protocol agreement provided in  
158 subsection (d) of this Code section for its consideration.

159 (g) Prior to dispensing self-administered contraceptives or administering injectable  
160 contraceptives, a pharmacist shall have completed a certificate program that has been  
161 accredited by the American Council for Pharmacy Education or a similar health authority  
162 or professional body approved by the Georgia State Board of Pharmacy, as specified in the  
163 written joint protocol agreement provided in subsection (d) of this Code section, that is  
164 program-specific to self-administered contraceptives or injectable contraceptives, that  
165 includes the application of the United States Medical Eligibility Criteria for Contraceptive  
166 Use, and that includes federal Centers for Disease Control and Prevention guidance on  
167 contraception. The initial program required shall include 12 hours of self-study, eight  
168 hours of live or recorded seminar, a written examination, and a hands-on assessment of

169 intramuscular and subcutaneous injection technique. To maintain eligibility, a pharmacist  
170 shall complete at least one hour of continuing education per year that is offered by an entity  
171 approved by the Georgia State Board of Pharmacy. An equivalent curriculum based  
172 training program completed on or after January 1, 2026, in an accredited Georgia pharmacy  
173 school shall satisfy the initial education requirement. Verification of compliance with the  
174 initial education requirement and continued eligibility shall be conducted by the Georgia  
175 State Board of Pharmacy.

176 (h) A pharmacist who dispenses a self-administered contraceptive or administers an  
177 injectable contraceptive pursuant to this chapter shall:

178 (1) Obtain a completed self-screening risk assessment questionnaire that has been  
179 approved by the Department of Public Health, in collaboration with the Georgia State  
180 Board of Pharmacy, from the patient before dispensing the self-administered  
181 contraceptive or administering the injectable contraceptive. If the results of the  
182 assessment indicate that it is unsafe to dispense a self-administered contraceptive or  
183 administer an injectable contraceptive to a patient, then the pharmacist may not dispense  
184 a self-administered contraceptive or administer an injectable contraceptive to the patient;  
185 and

186 (2) Provide the patient with written materials regarding:

187 (A) The importance of seeing the patient's practitioner annually to obtain  
188 recommended tests and screening;

189 (B) The effectiveness and availability of long-acting reversible contraceptives as an  
190 alternative to self-administered contraceptives or injectable contraceptives;

191 (C) A copy of the record of the encounter with the patient that includes the patient's  
192 completed assessment questionnaire;

193 (D) A description of the contraceptive dispensed or administered, or the basis for not  
194 dispensing or administering a contraceptive;

195 (E) If applicable, the Medicaid program in this state and how to apply for Medicaid  
196 benefits; and

197 (F) The effectiveness of abstinence in preventing pregnancy and contracting a sexually  
198 transmitted disease.

199 (i) If a pharmacist dispenses a self-administered contraceptive or administers an injectable  
200 contraceptive to a patient, then the pharmacist shall, at a minimum, provide counseling to  
201 the patient regarding:

202 (1) The appropriate administration and storage of a self-administered contraceptive, if  
203 appropriate;

204 (2) Any potential side effects and risks of a self-administered contraceptive or injectable  
205 contraceptive;

206 (3) The need for backup contraception;

207 (4) When to seek emergency medical attention; and

208 (5) The risk of contracting a sexually transmitted disease, along with ways to reduce the  
209 risk of contraction.

210 (j) A pharmacist who dispenses a self-administered contraceptive or administers an  
211 injectable contraceptive in accordance with the provisions of this Code section shall not be  
212 subject to criminal or civil liability or disciplinary action by the Georgia State Board of  
213 Pharmacy."

214 **SECTION 2-3.**

215 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance  
216 generally, is amended by adding a new Code section to read as follows:

217 "33-24-59.37.

218 (a) Every health benefit policy that is delivered, issued, executed, or renewed in this state  
219 or approved for issuance or renewal in this state by the Commissioner which provides  
220 coverage for prescription drugs on an outpatient basis shall provide coverage for any

221 prescribed drug or device approved by the United States Food and Drug Administration for  
222 use as a contraceptive to the extent required in subsection (b) of this Code section.

223 (b) Every health benefit policy that provides benefits for a prescriptive contraceptive drug  
224 shall provide an insured or enrollee with coverage for no less than a three-month supply  
225 of the covered prescription at one time the first time that the insured or enrollee obtains the  
226 drug and a 12 month supply of the covered prescription at one time each subsequent time  
227 the insured or enrollee obtains the drug.

228 (c) An insured or enrollee may obtain no more than a 12 month supply of a covered  
229 prescription contraceptive drug during each 12 month period.

230 (d) Every insurer providing a policy described in subsection (a) of this Code section is  
231 prohibited from denying reimbursement to a pharmacist or the employer of a pharmacist  
232 who dispenses a self-administered contraceptive or administers an injectable contraceptive  
233 in accordance with the provisions of Code Section 26-4-53. Such reimbursement shall be  
234 no less the rate than that provided to physician assistants and nurse practitioners providing  
235 the same or substantially the same service."

236 **SECTION 2-4.**

237 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,  
238 is amended by adding a new Code section to read as follows:

239 "49-4-159.5.

240 (a) The department shall provide Medicaid recipients who are women with no less than  
241 a three-month supply of covered contraceptive drugs at one time the first time that the  
242 recipient obtains the drug and a 12 month supply of the covered prescription at one time  
243 each subsequent time such recipient obtains the drug.

244 (b) The department shall provide Medicaid recipients who are women with no more than  
245 a 12 month supply of covered contraceptive drugs during each 12 month period.

246 (c) The department shall reimburse a pharmacist or the employer of a pharmacist who  
247 dispenses a self-administered contraceptive or administers an injectable contraceptive in  
248 accordance with the provisions of Code Section 26-4-53. Such reimbursement shall be no  
249 less the rate than that provided to physician assistants and nurse practitioners providing the  
250 same or substantially the same service.  
251 (d) To implement the provisions of this Code section, the department shall, when  
252 necessary, submit a Medicaid state plan amendment or waiver request to the United States  
253 Department of Health and Human Services."

254

**PART III**

255

**SECTION 3-1.**

256 (a) Except as provided in subsection (b) of this section, this Act shall become effective on  
257 July 1, 2026.

258 (b) Part II of this Act shall become effective on January 1, 2027, and shall apply to all  
259 applicable insurance policies issued, delivered, issued for delivery, or renewed on or after  
260 that date.

261

**SECTION 3-2.**

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