

Senate Bill 395

By: Senators Kirkpatrick of the 32nd, Watson of the 1st, Hufstetler of the 52nd, Brass of the 6th, Albers of the 56th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Public Health, so as to authorize the Department of Public Health to disclose
3 certain information regarding the Low THC Oil Patient Registry to the Georgia Composite
4 Medical Board for certain purposes; to provide for annual reports by physicians; to restrict
5 the use of such reports; to amend Chapter 11 of Title 31 of the Official Code of Georgia
6 Annotated, relating to emergency medical services, so as to designate ambulance services as
7 an essential service in this state; to provide for statutory construction; to provide for the EMS
8 Interstate Compact; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
13 of Public Health, is amended by revising subsections (e) and (f) of Code Section 31-2A-18,
14 relating to the Low THC Oil Patient Registry, registration cards, reports, waiver forms, and
15 annual review and recommendations, as follows:

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16 "(e) The board shall require physicians to issue ~~semiannual~~ annual reports to the board.
17 Such reports shall require physicians to provide information, including, but not limited to,
18 dosages recommended for a particular condition, patient clinical responses, levels of
19 tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance,
20 responses to treatment, side effects, and drug interactions. Such reports shall be used for
21 research purposes to determine the efficacy of the use of low THC oil as a treatment for
22 conditions. A physician's failure to submit such a report shall not serve as the basis for the
23 department to cancel or revoke a registration card.

24 (f) Information received and records kept by the department for purposes of administering
25 this Code section shall be confidential; provided, however, that such information shall be
26 disclosed, subject to the provisions of the federal Health Insurance Portability and
27 Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

28 (1) Upon written request of an individual or caregiver registered pursuant to this Code
29 section for information related to the individual or his or her caregiver;

30 (2) To peace officers and prosecuting attorneys for the purpose of:

31 (A) Verifying that an individual in possession of a registration card is registered
32 pursuant to this Code section; or

33 (B) Determining that an individual in possession of low THC oil is registered pursuant
34 to this Code section; ~~and~~

35 (3) To government entities and other entities for statistical, research, educational,
36 instructional, drug abuse prevention, or grant application purposes after removing all
37 personal identifiers from the health information and removing all information that could
38 be used to identify ~~prescribers~~ physicians; and

39 (4) To the board for investigatory, compliance, or disciplinary purposes."

40 **SECTION 2.**

41 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency
42 medical services, is amended by adding a new Code section to read as follows:

43 "31-11-13.

44 (a) Ambulance services, whether provided by a public, private nonprofit, or private for
45 profit entity, are hereby declared to be essential services in this state.

46 (b) This Code section shall not be construed to:

47 (1) Revise or impact the provision of such services through local coordinating entities
48 within territorial zones and health districts in this state; nor

49 (2) Grant new or additional authority, oversight, or regulatory power to any state agency
50 or local government of this state.

51 (c) This Code section shall not conflict with or supplant Code Section 31-11-3, 31-11-4,
52 or 38-3-71 or Georgia's status as a member of the EMS Interstate Compact."

53 **SECTION 3.**

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