

House Bill 1352

By: Representatives Glaize of the 67th, Gilliard of the 162nd, Bennett of the 94th, Clark of the 108th, Davis of the 87th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to prescription drugs, so as to provide that prescribers provide certain information
3 to patients or their representatives prior to prescribing Schedule II controlled substances or
4 opioids; to provide definitions; to provide for procedures for the delivery and recordation of
5 such information; to provide for exceptions; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
10 prescription drugs, is amended by adding a new Code section to read as follows:

11 "26-4-91.

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

13 (1) 'Opioid' means any opiate, opioid, opioid analgesic, or opioid derivative.

14 (2) 'Prescriber' means a physician, dentist, or other person licensed, registered, or
15 otherwise authorized under the laws of this state, or any other state or territory of the

16 United States, to prescribe a controlled substance in the course of professional practice
17 in this state.

18 (3) 'Schedule II controlled substance' means any substance so included under Code
19 Section 16-13-26 and includes all substances so defined in 21 C.F.R. Part 1308, as they
20 may be revised from time to time.

21 (b) In addition to the provision of information regarding the addictive risks of opioid use
22 required pursuant to Code Section 16-13-56.1, prior to issuing a prescription for a Schedule
23 II controlled substance or an opioid in the initial course of treatment of a patient, and again
24 prior to issuing the third prescription of the course of treatment, a prescriber shall discuss
25 with the patient, or the patient's parent or guardian if the patient is under 18 years of age
26 and is not an emancipated minor, the following:

27 (1) Information concerning:

28 (A) The possibility of developing an addiction to any Schedule II controlled substance,
29 even when taken as prescribed;

30 (B) The possibility of developing a physical or psychological dependence on the
31 Schedule II controlled substance or opioid; and

32 (C) The risk of fatal respiratory depression if the patient takes a larger dose of the
33 Schedule II controlled substance or opioid than prescribed, or mixes benzodiazepines,
34 alcohol, or any other central nervous system depressant with the Schedule II controlled
35 substance or opioid;

36 (2) Why the prescriber believes the prescription is necessary;

37 (3) Alternative treatment options to the prescription that are available; and

38 (4) The associated risks and benefits of such alternative treatments.

39 (c) The prescriber shall make reasonable efforts to ascertain that the patient or the patient's
40 parent or guardian, as applicable, understands the information provided pursuant to
41 subsection (b) of this Code section, and shall include a note in the patient's medical record

42 that the prescriber has discussed such information with the patient or the patient's parent
43 or guardian.

44 (d) This Code section shall not apply to prescriptions for Schedule II controlled substances
45 or opioids for a patient who is receiving treatment for cancer, palliative care, or hospice
46 care from a licensed hospice or who is a resident of a long-term care facility, or to any
47 medications that are being prescribed for use in the treatment of substance abuse or opioid
48 dependence."

49 **SECTION 2.**

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