

House Bill 1559

By: Representatives Stephens of the 164th, Newton of the 123rd, Gambill of the 15th, Kausche of the 50th, and Kelley of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
2 pharmacists and pharmacies, so as to authorize pharmacists to dispense opioid antagonists
3 to individuals who have been prescribed opioids; to revise a definition; to provide for
4 immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and
8 pharmacies, is amended in Code Section 26-4-4, relating to the definition of the "practice of
9 pharmacy," as follows:

10 "26-4-4.

11 The 'practice of pharmacy' means the interpretation, evaluation, or dispensing of
12 prescription drug orders in the patient's best interest; participation in drug and device
13 selection, drug administration, drug regimen reviews, and drug or drug related research;
14 provision of patient counseling and the provision of those acts or services necessary to
15 provide pharmacy care; performing capillary blood tests and interpreting the results as a
16 means to screen for or monitor disease risk factors and facilitate patient education, and a

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17 pharmacist performing such functions shall report the results obtained from such blood
18 tests to the patient's physician of choice; ~~and~~ the responsibility for compounding and
19 labeling of drugs and devices; and dispensing opioid antagonists in accordance with
20 subsection (c.1) of Code Section 26-4-116.2."

21 **SECTION 2.**

22 Said chapter is further amended by revising Code Section 26-4-116.2, relating to authority
23 of licensed health practitioners to prescribe opioid antagonists and immunity from liability,
24 as follows:

25 "26-4-116.2.

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

27 (1) 'First responder' means any person or agency who provides on-site care until the
28 arrival of a duly licensed ambulance service. This shall include, but not be limited to,
29 persons who routinely respond to calls for assistance through an affiliation with law
30 enforcement agencies, fire departments, and rescue agencies.

31 (2) 'Harm reduction organization' means an organization which provides direct assistance
32 and services, such as syringe exchanges, counseling, homeless services, advocacy, drug
33 treatment, and screening, to individuals at risk of experiencing an opioid related
34 overdose.

35 (3) 'Opioid antagonist' means any drug that binds to opioid receptors and blocks or
36 inhibits the effects of opioids acting on those receptors and that is approved by the federal
37 Food and Drug Administration for the treatment of an opioid related overdose.

38 (4) 'Opioid related overdose' means an acute condition, including, but not limited to,
39 extreme physical illness, decreased level of consciousness, respiratory depression, coma,
40 mania, or death, resulting from the consumption or use of an opioid or another substance
41 with which an opioid was combined or that a layperson would reasonably believe to be

42 resulting from the consumption or use of an opioid or another substance with which an
43 opioid was combined for which medical assistance is required.

44 (5) 'Pain management clinic' means a clinic licensed pursuant to Article 10 of Chapter
45 34 of Title 43.

46 (6) 'Practitioner' means a physician licensed to practice medicine in this state.

47 (b) A practitioner acting in good faith and in compliance with the standard of care
48 applicable to that practitioner may prescribe an opioid antagonist for use in accordance
49 with a protocol specified by such practitioner to a person at risk of experiencing an opioid
50 related overdose or to a pain management clinic, first responder, harm reduction
51 organization, family member, friend, or other person in a position to assist a person at risk
52 of experiencing an opioid related overdose.

53 (c) A pharmacist acting in good faith and in compliance with the standard of care
54 applicable to pharmacists may dispense opioid antagonists pursuant to a prescription issued
55 in accordance with subsection (b) of this Code section or Code Section 31-1-10.

56 (c.1) A pharmacist who dispenses a prescription drug order for a prescription drug that is
57 an opioid may inform the individual to whom the opioid is being dispensed of the potential
58 dangers of a high dose of an opioid, as described by the federal Centers for Disease Control
59 and Prevention, and offer to dispense an opioid antagonist to the individual in accordance
60 with rules and regulations adopted by the board. The pharmacist may provide patient
61 counseling to the individual on how to use the opioid antagonist in the event of an
62 overdose.

63 (d) A person acting in good faith and with reasonable care to another person whom he or
64 she believes to be experiencing an opioid related overdose may administer an opioid
65 antagonist that was prescribed pursuant to subsection (b) of this Code section in accordance
66 with the protocol specified by the practitioner or pursuant to Code Section 31-1-10 or that
67 was dispensed by a pharmacist pursuant to subsection (c.1) of this Code section.

68 (e) The following individuals shall be immune from any civil liability, criminal
69 responsibility, or professional licensing sanctions for the following actions authorized by
70 this Code section:

71 (1) Any practitioner acting in good faith and in compliance with the standard of care
72 applicable to that practitioner who prescribes an opioid antagonist pursuant to subsection
73 (b) of this Code section;

74 (2) Any practitioner or pharmacist acting in good faith and in compliance with the
75 standard of care applicable to that practitioner or pharmacist who dispenses an opioid
76 antagonist pursuant to a prescription issued in accordance with subsection (b) of this
77 Code section;

78 (3) Any pharmacist acting in good faith and in accordance with subsection (c.1) of this
79 Code section and rules and regulations adopted by the board who dispenses an opioid
80 antagonist;

81 ~~(3)~~(4) The state health officer acting in good faith and as provided in Code Section
82 31-1-10; and

83 ~~(4)~~(5) Any person acting in good faith, other than a practitioner, who administers an
84 opioid antagonist pursuant to subsection (d) of this Code section.

85 (f) Every pharmacy in this state shall retain a copy of the standing order issued under Code
86 Section 31-1-10."

87 **SECTION 3.**

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