

House Bill 952

By: Representatives Cooper of the 43rd, Silcox of the 52nd, Hatchett of the 150th, Knight of the 130th, and Wilson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,
2 relating to pharmacies, so as to prohibit corporations that own and operate multiple
3 pharmacies from implementing policies and procedures that restrict the quantity of controlled
4 substances dispensed or restrict the prescriber; to provide for an exception; to prohibit
5 retaliation; to provide for a civil penalty; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to
10 pharmacies, is amended by adding a new Code section to read as follows:

11 "26-4-120.

12 (a) A corporation which owns and operates multiple pharmacy locations in this state shall
13 be prohibited from establishing or implementing any policy or practice in a pharmacy
14 located in this state that places a restriction on the quantity or dosage of a prescription for
15 a controlled substance or places a restriction on filling a prescription for a controlled
16 substance issued by a specific prescriber; provided, however, that nothing in this subsection
17 shall prohibit an individual pharmacist from declining to fill a prescription based on his or
18 her professional judgment, if such pharmacist reasonably believes such prescription is not
19 for a legitimate medical purpose, is not in the patient's best interest, or was written by a
20 prescriber who has been subject to an enforcement action resulting from controlled
21 substance prescribing by any state or federal agency or entity.

22 (b) No corporation which owns and operates multiple pharmacy locations in this state may
23 subject any pharmacist or pharmacist technician to an adverse action on the basis that such
24 individual has opposed any practice or policy prohibited by this Code section.

25 (c) Any violation of subsection (a) of this Code section shall be subject to a civil penalty
26 of no less than \$5,000.00 per violation per day per pharmacy.

27 (d) A pharmacist failing to practice pharmacy using his or her free and complete exercise
28 of professional independent judgment and skill in accordance with this chapter and the
29 code of professional conduct established by the State Board of Pharmacy may be subject
30 to disciplinary action pursuant to Code Section 26-4-60; provided, however, that it shall
31 not be considered unprofessional conduct for any pharmacist to refuse to fill any
32 prescription based on his or her professional judgment or ethical or moral beliefs."

33 **SECTION 2.**

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