

Senate Bill 193

By: Senators Unterman of the 45th, Shafer of the 48th, Burke of the 11th, Thompson of the 14th and Kirk of the 13th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 26-4-80 and Title 31 of the Official Code of Georgia Annotated,
 2 relating to prescription drug orders and health, respectively, so as to revise provisions to
 3 promote healthy pregnancies; to revise the program mission and practice of the Positive
 4 Alternatives for Pregnancy and Parenting Grant Program; to repeal legislative authority; to
 5 remove certain references to medically indigent women; to revise certain definitions; to
 6 remove the Positive Alternatives for Pregnancy and Parenting Grant Program from the
 7 Indigent Care Trust Fund; to provide for expedited partner therapy for patients with
 8 chlamydia or gonorrhea; to provide for definitions; to revise provisions relating to dispensing
 9 prescription drugs; to provide for immunity; to provide for rules and regulations; to provide
 10 for legislative findings; to provide for related matters; to repeal conflicting laws; and for
 11 other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

PART I

SECTION 1-1.

15 The General Assembly finds that:

- 16 (1) Untreated chlamydial infection has been linked to problems during pregnancy,
 17 including preterm labor, premature rupture of membranes, and low birth weight. The
 18 newborn may also become infected during delivery as the baby passes through the birth
 19 canal. Exposed newborns can develop eye and lung infections; and
 20 (2) Untreated gonococcal infection in pregnancy has been linked to miscarriages,
 21 premature birth and low birth weight, premature rupture of membranes, and
 22 chorioamnionitis. Gonorrhea can also infect an infant during delivery as the infant passes
 23 through the birth canal. If untreated, infants can develop eye infections.

24

PART II

25

SECTION 2-1.

26 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
 27 repealing Code Section 31-2A-30, relating to legislative authority for the Positive
 28 Alternatives for Pregnancy and Parenting Grant Program, and designating said Code section
 29 as reserved.

30

SECTION 2-2.

31 Said title is further amended in Code Section 31-2A-31, relating to definitions, by revising
 32 paragraphs (3), (5), and (8) as follows:

33 "(3) 'Contract management agency' or 'agency' means a nongovernmental charitable
 34 organization in this state which is a 501(c)(3) tax-exempt organization under the Internal
 35 Revenue Code of 1986 and whose mission and practice is to ~~provide~~ promote alternatives
 36 to abortion services ~~to medically indigent women~~ at no cost."

37 "(5) ~~'Medically indigent' means a person who is without health insurance or who has~~
 38 ~~health insurance that does not cover pregnancy or related conditions for which treatment~~
 39 ~~and services are sought and whose family income does not exceed 200 percent of the~~
 40 ~~federal poverty level as defined annually by the federal Office of Management and~~
 41 ~~Budget~~ Reserved."

42 "(8) ~~'Trust fund' means the Indigent Care Trust Fund created by Code Section 31-8-152~~
 43 ~~Reserved.~~"

44

SECTION 2-3.

45 Said title is further amended by revising Code Section 31-2A-32, relating to the Positive
 46 Alternatives for Pregnancy and Parenting Grant Program, as follows:

47 "31-2A-32.

48 There is established within the department the Positive Alternatives for Pregnancy and
 49 Parenting Grant Program. The purpose of the ~~grant~~ program shall be to ~~promote healthy~~
 50 ~~pregnancies and childbirth~~ develop a state-wide effort that promotes healthy pregnancies
 51 and childbirth by awarding grants to nonprofit organizations that provide pregnancy
 52 support services."

53

SECTION 2-4.

54 Said title is further amended in Code Section 31-2A-33, relating to administration and duties,
 55 by revising subsection (b) as follows:

56 "(b) The contract management agency selected by the department shall meet the definition
 57 of a contract management agency as defined in paragraph (3) of Code Section 31-2A-31
 58 and shall:

- 59 (1) Create a grant application process;
- 60 (2) Evaluate grant applications and make recommendations to the department;
- 61 (3) Communicate acceptance or denial of grant applications to direct client service
 62 providers;
- 63 (4) Monitor compliance with the terms and conditions of the grant;
- 64 (5) Maintain records for each grant applicant and award; and
- 65 (6) Coordinate activities and correspondence between the department and direct client
 66 service providers."

67 **SECTION 2-5.**

68 Said title is further amended by revising Code Section 31-2A-35, relating to grants, as
 69 follows:

70 "31-2A-35.

71 (a) Grants shall be awarded annually on a competitive basis to direct client service
 72 providers who display competent experience in providing any of the services included in
 73 Code Section 31-2A-34 pursuant to guidelines and criteria established pursuant to this
 74 article.

75 (b) The department shall, with input from the agency, determine the maximum grant
 76 amount to be awarded to each direct client service provider, and such grant amount shall
 77 not exceed 85 percent of the annual revenue for the prior year of any provider.

78 (c) The grant agreement entered into between the agency and a direct client service
 79 provider shall stipulate that the grant shall be used to provide any or all pregnancy support
 80 services at the discretion of the service provider pursuant to Code Section 31-2A-34. The
 81 agreement shall further stipulate that a direct client service provider shall not perform,
 82 promote, or act as a referral for an abortion, except as otherwise provided in paragraph (9)
 83 of subsection (a) of Code Section 31-2A-36, and that grant funds shall not be used to
 84 promote or be otherwise expended for political or religious purposes, including, but not
 85 limited to, counseling or written material. Nothing in this article shall be construed to
 86 prohibit any direct client service provider from promoting or expending nongrant funds for
 87 a political or religious purpose."

88 **SECTION 2-6.**

89 Said title is further amended by revising Code Section 31-8-154, relating to authorized
 90 expenditure of contributed funds from the Indigent Care Trust Fund, as follows:

91 "31-8-154.

92 All moneys contributed and revenues deposited and transferred to the trust fund pursuant
93 to this article and any interest earned on such moneys shall be appropriated to the
94 department for only the following purposes:

95 (1) To expand Medicaid eligibility and services;

96 (2) For programs to support rural and other health care providers, primarily hospitals,
97 who serve the medically indigent;

98 (3) For primary health care programs for medically indigent citizens and children of this
99 state; or

100 ~~(4) For the Positive Alternatives for Pregnancy and Parenting Grant Program established~~
101 ~~under Article 2 of Chapter 2A of this title; or~~

102 ~~(5)~~(4) Any combination of purposes specified in paragraphs (1) through ~~(4)~~ (3) of this
103 Code section."

104 **SECTION 2-7.**

105 Said title is further amended in Code Section 31-8-156, relating to appropriation of state
106 funds by the General Assembly, by revising subsection (b) as follows:

107 "(b) An appropriation pursuant to subsection (a) of this Code section shall specify each
108 purpose, if any, as specified in paragraphs (1) through ~~(5)~~ (4) of Code Section 31-8-154,
109 for which the trust funds are appropriated thereby."

110 **PART III**

111 **SECTION 3-1.**

112 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to prescription
113 drug orders, is amended by revising paragraph (2) of subsection (c) as follows:

114 "(2) Prescription drug orders transmitted by facsimile or computer shall include:

115 (A) In the case of a prescription drug order for a dangerous drug, the complete name
116 and address of the practitioner;

117 (B) In the case of a prescription drug order for a controlled substance, the complete
118 name, address, and DEA registration number of the practitioner;

119 (C) The telephone number of the practitioner for verbal confirmation;

120 (D) The name and address of the patient, unless the prescription drug order is
121 prescribed pursuant to expedited partner therapy in accordance with Code Section
122 31-17-7.1 for use by a sexual partner of a patient clinically diagnosed with chlamydia
123 or gonorrhea, in which case, the name and address of such sexual partner of the patient;

124 (E) The time and date of the transmission;

- 125 (F) The full name of the person transmitting the order; and
 126 (G) The signature of the practitioner in a manner as defined in regulations promulgated
 127 by the board or, in the case of a controlled substances prescription, in accordance with
 128 21 C.F.R. 1301.22;"

129 **SECTION 3-2.**

130 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in
 131 Chapter 17, relating to control of venereal disease, by adding a new Code section to read as
 132 follows:

133 "31-17-7.1.

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

135 (1) 'Expedited partner therapy' means the practice of prescribing, ordering, or dispensing
 136 antibiotic drugs to the sexual partner or partners of a patient clinically diagnosed with
 137 chlamydia or gonorrhea without physical examination of such partner or partners.

138 (2) 'Licensed practitioner' means a physician licensed to practice medicine in this state,
 139 an advanced practice registered nurse or physician assistant acting pursuant to delegated
 140 authority by a physician in accordance with Code Section 43-34-23 or 43-34-25 or
 141 subsection (e.1) of Code Section 43-34-103, or a registered professional nurse employed
 142 by the department or a county board of health.

143 (b) A licensed practitioner who diagnoses a patient to be infected with chlamydia or
 144 gonorrhea may utilize expedited partner therapy in accordance with any rules and
 145 regulations established by the department for the management of the health of such
 146 patient's sexual partner or partners.

147 (c) Any licensed practitioner who, reasonably and in good faith, prescribes antibiotic drugs
 148 for expedited partner therapy in accordance with this Code section and any rules and
 149 regulations established by the department shall not be subject to civil or criminal liability
 150 and shall not be deemed to have engaged in unprofessional conduct by such practitioner's
 151 licensing board.

152 (d) Any pharmacist licensed in this state who, reasonably and in good faith, dispenses
 153 antibiotic drugs pursuant to a prescription for expedited partner therapy in accordance with
 154 this Code section and any rules and regulations established by the department shall not be
 155 subject to civil or criminal liability and shall not be deemed to have engaged in
 156 unprofessional conduct by the State Board of Pharmacy.

157 (e) The department shall be authorized to promulgate rules and regulations to implement
 158 the provisions of this Code section."

159

PART IV

160

SECTION 4-1.

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