

AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to revise the definition of "practitioner"; to provide that certain provisions of law regarding pharmacists and pharmacies shall not apply to a facility engaged solely in the distribution of dialysate drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that certain criteria are met; to authorize certain refills by pharmacists of topical ophthalmic products under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended by revising paragraph (33) of Code Section 26-4-5, relating to definitions, as follows:

"(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist, podiatrist, optometrist, or veterinarian and shall include any other person licensed under the laws of this state to use, mix, prepare, dispense, prescribe, and administer drugs in connection with medical treatment to the extent provided by the laws of this state."

**SECTION 2.**

Said chapter is further amended by adding a new Code section to read as follows:

"26-4-6.

The provisions of this chapter shall not apply to a facility engaged solely in the distribution of dialysate drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease, provided that the following criteria are met:

- (1) The dialysate drugs, or devices are approved or cleared by the federal Food and Drug Administration as required by federal law;
- (2) The dialysate drugs, or devices are lawfully held by a manufacturer or manufacturer's agent that is properly registered with the board as a manufacturer or wholesale distributor;
- (3) The dialysate drugs, or devices are held and delivered in their original, sealed packaging from the manufacturing facility;
- (4) The dialysate drugs, or devices are delivered only by the manufacturer or the manufacturer's agent and only upon receipt of a physician's order; and

(5) The manufacturer or manufacturer's agent delivers the dialysate drugs, or devices directly to:

(A) A patient with end stage renal disease or such patient's designee for the patient's self-administration of the dialysis therapy; or

(B) A health care provider or institution for administration or delivery of the dialysis therapy to a patient with end stage renal disease."

### **SECTION 3.**

Said chapter is further amended by revising subsection (f) of Code Section 26-4-80, relating to dispensing prescription drugs, as follows:

"(f)(1) When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. No prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the practitioner would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription.

(2) Notwithstanding paragraph (1) of this subsection, in order to prevent unintended interruptions in drug therapy for topical ophthalmic products:

(A) A pharmacist shall be authorized, without obtaining subsequent authorization from the practitioner or obtaining a new prescription from the practitioner, to permit refills at 70 percent of the predicted days of use; and

(B) At the patient's request, a practitioner shall be permitted to authorize refills earlier than 70 percent of the predicted days of use.

This paragraph shall apply to refills purchased through retail pharmacies and mail order sources."

### **SECTION 4.**

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