

Senate Bill 391

By: Senators Kirkpatrick of the 32nd, Watson of the 1st, Albers of the 56th, Burke of the 11th and Hufstetler of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding insurance, so as to require health insurers to provide  
3 coverage for early refills of a 30 day supply of certain prescription medications under certain  
4 emergency situations; to provide for a definition; to provide the Commissioner with authority  
5 to waive time restrictions on such refills; to amend Code Section 26-4-80 of the Official  
6 Code of Georgia Annotated, relating to license required for practice of pharmacy, dispensing  
7 of prescription drugs, prescription drug orders, electronically transmitted drug orders, refills,  
8 and schedule II controlled substance prescriptions, so as to allow pharmacists to dispense  
9 certain refill prescription medications under certain circumstances; to provide for related  
10 matters; to provide for a short title; to provide for legislative findings; to repeal conflicting  
11 laws; and for other purposes.

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

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Early Prescription Refills During  
15 Emergencies Act."

16 **SECTION 2.**

17 The General Assembly finds that:

- 18 (1) Prescription drug medications may be essential to the maintenance of life or the  
19 continuation of therapy for a Georgian with a chronic health condition;
- 20 (2) During times of natural disaster, many Georgians experience significant delays  
21 obtaining necessary prescription medication refills; and
- 22 (3) Delays in obtaining such medication may result in serious, undesirable health  
23 consequences.

24 **SECTION 3.**

25 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
26 general provisions regarding insurance, is amended by adding a new Code section to read as  
27 follows:

28 "33-24-59.27.

29 (a) As used in this Code section, the term 'health care insurer' means an insurer, a fraternal  
30 benefit society, a health care plan, or a health maintenance organization authorized under  
31 this title to sell accident and sickness insurance policies, subscriber certificates, or other  
32 contracts of insurance by whatever name called.

33 (b) Every health care insurer licensed in this state that provides prescription medication  
34 coverage as part of a policy or contract shall waive time restrictions on prescription  
35 medication refills, which includes the suspension of electronic 'refill too soon' limitations,  
36 to enable insureds or subscribers to refill prescriptions in advance and shall authorize  
37 payment to pharmacies for a 30 day supply of any prescription medication, regardless of  
38 the date upon which the prescription had most recently been filled by a pharmacist, when  
39 the following conditions occur:

40 (1) The person seeking the prescription medication refill resides in a county or other area  
41 of this state that:

42 (A) Is declared to be under a state of emergency by executive order of the Governor;

43 or

44 (B) Is under a hurricane warning issued by the National Weather Service; and

45 (2) The prescription medication has refills remaining and a refill is requested within 30  
46 days after the origination date of the conditions described in paragraph (1) of this  
47 subsection or until such conditions are terminated by the issuing authority or no longer  
48 exist.

49 (c) The Commissioner may by directive as authorized in Code Section 33-2-10 extend the  
50 time restriction waiver on prescription medication refills described in subsection (b) of this  
51 Code section for 15 or 30 day increments and until such time as he or she determines such  
52 extensions are no longer necessary.

53 (d) Nothing in this Code section shall exempt any insured or subscriber from compliance  
54 with all other terms of the policy or contract providing prescription medication coverage."

55 **SECTION 4.**

56 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to license required  
57 for practice of pharmacy, dispensing of prescription drugs, prescription drug orders,  
58 electronically transmitted drug orders, refills, and schedule II controlled substance  
59 prescriptions, is amended by revising subsection (f) as follows:

60 "(f)(1) When filling a prescription or refilling a prescription which may be refilled, the  
61 pharmacist shall exercise professional judgment in the matter. No prescription shall be  
62 filled or refilled with greater frequency than the approximate interval of time that the  
63 dosage regimen ordered by the practitioner would indicate, unless extenuating  
64 circumstances are documented which would justify a shorter interval of time before the  
65 filling or refilling of the prescription. Such circumstances may include but are not limited  
66 to instances in which, with regard to a particular county or area of this state, the Governor  
67 has issued an executive order or proclamation declaring a state of emergency or the  
68 National Weather Service has issued a hurricane warning, the pharmacist may dispense  
69 up to a 30 day supply in the counties or areas affected by such order, proclamation, or  
70 warning, provided that:

71 (A) The prescription is not for a Schedule II controlled substance as set out in Code  
72 Section 16-13-26;

73 (B) In the pharmacist's professional judgment, the prescription is essential to the  
74 maintenance of life or to the continuation of therapy for a chronic condition;

75 (C) In the pharmacist's professional judgment, the interruption of such therapy might  
76 reasonably produce undesirable health consequences or cause physical or mental  
77 discomfort;

78 (D) The dispensing pharmacist creates and signs a written order containing all of the  
79 prescription information required by this article and by Chapter 13 of Title 16; and

80 (E) The dispensing pharmacist notifies the prescriber of the emergency dispensing  
81 within 48 hours after such dispensing and each such dispensing thereafter.

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

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

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

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

91 **SECTION 5.**

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