

Senate Bill 471

By: Senator Hufstetler of the 52nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to prescription drugs, so as to require practitioners to issue electronic prescriptions  
3 for certain controlled substances; to provide for definitions; to provide for exceptions; to  
4 provide for penalties; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to  
9 prescription drugs, is amended by adding a new Code section to read as follows:

10 "26-4-80.2.

11 (a) For purposes of this Code section, the term:

12 (1) 'Controlled substance' means a controlled substance that is classified as a Schedule II  
13 or III controlled substance under Code Section 16-13-26 or 16-13-27, respectively, or  
14 under the federal Controlled Substances Act, 21 U.S.C. Section 812.

15 (2) 'Practitioner' or 'practitioner of the healing arts' means, notwithstanding Code  
16 Section 26-4-5, a person licensed as a dentist, physician, podiatrist, or veterinarian under  
17 Chapter 11, 34, 35, or 50, respectively, of Title 43.

18 (b) Notwithstanding any other provision of this Code section or any other law to the  
19 contrary, effective January 1, 2020, no practitioner shall issue any prescription for a  
20 controlled substance in this state unless such practitioner issues such prescription  
21 electronically to a pharmacy in accordance with standards established by the board, except  
22 for any prescription:

23 (1) Issued by a veterinarian;

24 (2) Issued when there is temporary technological or electrical failure pursuant to rules  
25 and regulations promulgated by the board pursuant to this Code section;

- 26 (3) To be dispensed by a pharmacy located outside the state pursuant to rules and  
 27 regulations promulgated by the board pursuant to this Code section;
- 28 (4) Issued when the prescriber and dispenser are the same entity;
- 29 (5) Which includes elements that are not supported by the most recently implemented  
 30 version of the National Council of Prescription Drug Programs Prescriber/Pharmacist  
 31 Interface SCRIPT Standard;
- 32 (6) Required by the federal Food and Drug Administration to contain certain elements  
 33 that are not supported by electronic prescribing;
- 34 (7) That is a nonpatient specific prescription permitted to be dispensed pursuant to a  
 35 standing order, an approved protocol for drug therapy, or collaborative drug management  
 36 or comprehensive medication management; in response to a public health emergency; or  
 37 due to other circumstances in which the practitioner may issue a nonpatient specific  
 38 prescription;
- 39 (8) Issued under a research protocol;
- 40 (9) Issued by a practitioner who has received a waiver or a renewal thereof for a  
 41 specified period of time determined by the Georgia Composite Medical Board, such  
 42 period of time not to exceed one year, exempting such practitioner from the requirement  
 43 to issue prescriptions electronically pursuant to a process established by rules and  
 44 regulations promulgated by the Georgia Composite Medical Board in consultation with  
 45 such board due to economic hardship, technological limitations that are not reasonably  
 46 within the control of the practitioner, or other extenuating circumstances; and
- 47 (10) Issued under circumstances in which, notwithstanding the practitioner's present  
 48 ability to issue an electronic prescription as required by this subsection, such practitioner  
 49 reasonably determines that it would be impractical for the patient to obtain the drug that  
 50 was prescribed electronically in a timely manner and such delay would adversely impact  
 51 the patient's medical condition.
- 52 (c) A pharmacist who receives a written, oral, or faxed prescription from a practitioner is  
 53 not required to verify that such practitioner is exempt from the requirement to issue  
 54 prescriptions electronically pursuant to subsection (b) of this Code section. Pharmacists  
 55 may continue to dispense drugs from otherwise valid written, oral, or faxed prescriptions  
 56 that are consistent with Code Section 26-4-80 or any other applicable laws and regulations.
- 57 (d) A violation of any provision of this Code section shall be punishable by a civil fine in  
 58 an amount not to exceed \$500.00 for each violation. The prosecuting attorney or the  
 59 Attorney General shall be authorized to prosecute the civil case."

60 **SECTION 2.**

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