Senate Bill 121
By: Senators Miller of the 49th, Unrterman of the 45th, Walker III of the 20th, Martin of the 9th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 3 of Chapter 13 of Title 16, Code Section 26-4-116.2, and Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to dangerous drugs, the authority of licensed health practitioners to prescribe opioid antagonists and immunity from liability, and general provisions for health, respectively, so as to change provisions relating to the definitions of dangerous drugs; to provide for immunity for the state health officer under certain circumstances; to change provisions relating to the state health officer; to provide for his or her authority in connection to certain dangerous drugs; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Jeffrey Dallas Gay, Jr., Act."

SECTION 2.
Article 3 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous drugs, is amended by revising paragraph (635) of subsection (b) of Code Section 16-13-71, relating to the definition of a dangerous drug, as follows:

"(635) Naloxone — See exceptions;"

SECTION 3.
Said article is further amended by adding a new paragraph to subsection (c) of Code Section 16-13-71, relating to the definition of a dangerous drug, to read as follows:

"(14.25) Naloxone — shall also be exempt from subsections (a) and (b) of this Code section when used for drug overdose prevention and when supplied by a dispenser as follows:
(A) Nasal adaptor rescue kits containing a minimum of two prefilled 2 ml. luer-lock syringes with each containing 1 mg./ml. of naloxone;"

S. B. 121
- 1 -
(B) Prepackaged nasal spray rescue kits containing single-use spray devices with each
containing a minimum of 4 mg./0.1 ml. of naloxone;
(C) Muscle rescue kits containing a 10 ml. multidose flip-top vial or two 1 ml. vials
with a strength of 0.4 mg./ml. of naloxone; or
(D) Prepackaged kits of two muscle autoinjectors with each containing a minimum of
0.4 mg./ml. of naloxone;“

SECTION 4.
Code Section 26-4-116.2 of the Official Code of Georgia Annotated, relating to the authority
of licensed health practitioners to prescribe opioid antagonists and immunity from liability,
is amended by revising subsections (c) through (e) and adding a new subsection to read as
follows:
“(c) A pharmacist acting in good faith and in compliance with the standard of care
applicable to pharmacists may dispense opioid antagonists pursuant to a prescription issued
in accordance with subsection (b) of this Code section or Code Section 31-1-10.
(d) A person acting in good faith and with reasonable care to another person whom he or
she believes to be experiencing an opioid related overdose may administer an opioid
antagonist that was prescribed pursuant to subsection (b) of this Code section in accordance
with the protocol specified by the practitioner or pursuant to Code Section 31-1-10.
(e) The following individuals are shall be immune from any civil or criminal liability,
criminal responsibility, or professional licensing sanctions for the following actions
authorized by this Code section:
(1) Any practitioner acting in good faith and in compliance with the standard of care
applicable to that practitioner who prescribes an opioid antagonist pursuant to subsection
(b) of this Code section;
(2) Any practitioner or pharmacist acting in good faith and in compliance with the
standard of care applicable to that practitioner or pharmacist who dispenses an opioid
antagonist pursuant to a prescription issued in accordance with subsection (b) of this
Code section; and
(3) The state health officer acting in good faith and as provided in Code Section 31-1-10;
and
(4) Any person acting in good faith, other than a practitioner, who administers an
opioid antagonist pursuant to subsection (d) of this Code section.
(f) Every pharmacy in this state shall retain a copy of the standing order issued under Code
Section 31-1-10.”
SECTION 5.
Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions for health, is amended by revising Code Section 31-1-10, relating to the state health officer, as follows:

"31-1-10.
(a) The position of state health officer is created. The Governor may appoint the commissioner of public health to serve simultaneously as the state health officer or may appoint another individual to serve as state health officer. Such officer shall serve at the pleasure of the Governor. An individual appointed to serve as state health officer shall be licensed to practice medicine in this state.
(b) The state health officer shall perform:
   (1) Perform such health emergency preparedness and response duties as assigned by the Governor; and
   (2) Be authorized to issue a standing order prescribing an opioid antagonist, as such term is defined in Code Section 26-4-116.2, on a state-wide basis under conditions that he or she determines to be in the best interest of this state."

SECTION 6.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.
All laws and parts of laws in conflict with this Act are repealed.