

House Bill 791 (AS PASSED HOUSE AND SENATE)

By: Representative Stephens of the 164<sup>th</sup>

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 authorize a pharmacist  
10 to dispense up to a 90 day supply of a maintenance medication under certain conditions; to  
11 provide for exceptions; to provide for related matters; to provide for a short title; to provide  
12 for legislative findings; to provide for an effective date; to repeal conflicting laws; and for  
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

18 **SECTION 2.**

19 The General Assembly finds that:

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

26 **SECTION 3.**

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

30 "33-24-59.27.

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

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

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

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

45 or

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

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

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

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

57 **SECTION 4.**

58 Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to license required  
 59 for practice of pharmacy, dispensing of prescription drugs, prescription drug orders,  
 60 electronically transmitted drug orders, refills, and schedule II controlled substance

61 prescriptions, is amended by revising subsection (f) and adding a new subsection to read as  
 62 follows:

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

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

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

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

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

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

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

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

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

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

94 "(q)(1) A pharmacist may, in the exercise of his or her professional judgment and in  
 95 consultation with the patient, dispense up to a 90 day supply of maintenance medication  
 96 for treatment of chronic illnesses up to the total number of dosage units as authorized by  
 97 the prescriber on the prescription, including any refills, unless:

98       (A) The prescriber has specified on the prescription that concurrently dispensing initial  
99       amounts and refills of such maintenance medication is not allowed; or  
100       (B) It is the initial filling of a prescription for a new maintenance medication or dosage  
101       for the patient.  
102       (2) Paragraph (1) of this subsection shall not apply to Schedule II, III, IV, or V controlled  
103       substances."

104   **SECTION 5.**

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

107   **SECTION 6.**

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