

**NOTICE OF INTENT TO ADOPT RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 480-7A-.03 RESTRICTION ON THE DISTRIBUTION OF LISTED CHEMICALS,
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Pharmacy (hereinafter “Board”) proposes adoption of new Georgia Board of Pharmacy Rules, Rule 480-7A-.03 RESTRICTION ON THE DISTRIBUTION OF LISTED CHEMICALS (hereinafter “proposed amendments”).

This notice, together with an exact copy of the proposed amendments and a synopsis of the proposed amendments, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rule including the proposed amendments, and a synopsis of the rule including the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. These documents will also be available for review on the Georgia State Board of Pharmacy’s web page at www.gbp.georgia.gov.

A public hearing is scheduled to begin at 9:00 AM on December 13, 2023 at Department of Community Health, 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, Georgia 30334 to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to December 6, 2023. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, GA 30334. You may email your comments to elacefield@dch.ga.gov.

The proposed amendments will be considered for adoption by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 9:00 AM on December 13, 2023 at Department of Community Health, 2 Martin Luther King, Jr. Drive SE, East Tower, 11th Floor, Atlanta, Georgia 30334. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to adopt the proposed amendments pursuant to authority contained in O.C.G.A. §§ 26-4-27.

At its meeting on July 19, 2023, the Board voted that the formulation and adoption of these rule amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on July 19, 2023, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 26-4-27, 26-4-28, 16-13-22 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this chapter will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of pharmacy.

For further information, contact the Board office at 404-651-8000.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 13 day of November, 2023.



Eric R. Lacefield
Executive Director
Georgia Board of Pharmacy

Posted: November 13, 2023.

**SYNOPSIS OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-7A-.03 RESTRICTION ON THE DISTRIBUTION OF LISTED CHEMICALS**

Purpose: To amend the rule to correct errors in spelling, punctuation, grammar, and/or formatting in the language of the rule.

Main Features: Correction of errors in spelling, punctuation, grammar, and/or formatting in the rule language.

**TEXT OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-7A-.03 RESTRICTION ON THE DISTRIBUTION OF LISTED CHEMICALS**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

Text of the proposed rule is attached hereto.

Rule 480-7A-.03. Restriction on the Distribution of Listed Chemicals

Chemicals listed in ~~480-7A-.02~~Rule 480-7A-.02 may only be distributed to retail outlets by a listed chemical drug wholesale distributor licensed by the Board, or a wholesale distributor licensed by the Board. In order for any person or firm to conduct an act of brokerage for any dangerous drug, controlled substance, or listed chemical which is received by retail outlet or pharmacy in this state, regardless of where the shipment originates, such person or firm is required to be licensed as a wholesale distributor or a listed chemical wholesale distributor. Any manufacturer which distributes a drug to any wholesale distributor or listed chemical wholesale distributor located in the State of Georgia must have been issued the appropriate wholesale distributor permit from the Board. Having been issued a manufacturing pharmacy permit by the Board does not authorize a manufacturing firm to distribute drugs to any firm located in this state.

Authority: O.C.G.A. ~~Sees.~~§§ 16-13-30.3, 16-13-30.4, 26-4-113.