

**NOTICE OF INTENT TO ADOPT RULE IN THE GEORGIA STATE BOARD OF
PHARMACY RULES,
RULE 480-52-.03 PRESCRIPTION DEPARTMENT, REQUIREMENT, SUPERVISION,
HOURS CLOSED, 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 480-52-.03 PRESCRIPTION DEPARTMENT, REQUIREMENT, SUPERVISION, HOURS CLOSED (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 June 14, 2023 at University of Georgia College of Pharmacy, 250 West Green Street, Athens, Georgia 30602 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 June 7, 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 June 14, 2023 at University of Georgia College of Pharmacy, 250 West Green Street, Athens, Georgia 30602. 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. §§ 16-12-206, 26-4-28, and 26-4-110.

At its meeting on March 8, 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 March 8, 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 1 day of May, 2023.



Eric R. Lacefield
Executive Director
Georgia Board of Pharmacy

Posted: May 1, 2023.

**SYNOPSIS OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-52-.03 PRESCRIPTION DEPARTMENT, REQUIREMENT, SUPERVISION,
HOURS CLOSED**

Purpose: To carry out the directive of the General Assembly in O.C.G.A. § 16-12-206, directing the Georgia State Board of Pharmacy to develop a licensure scheme and guidelines for the appropriate dispensing of low THC oil to qualified patients.

Main Features: Specification of physical spatial bounds of Low THC Pharmacy Dispensary, PIC supervision and hours closed.

**TEXT OF PROPOSED GEORGIA STATE BOARD OF PHARMACY RULE
RULE 480-52-.03 PRESCRIPTION DEPARTMENT, REQUIREMENT, SUPERVISION,
HOURS CLOSED**

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 480-52-.03 Prescription Department, Requirement, Supervision, Hours Closed

- (1) The physical spatial bounds of a Low THC Pharmacy Dispensary shall be the same as and co-terminus with, the same such space occupied by the Predicate Retail Licensee, and the activities of the Low THC Pharmacy Dispensary shall be conducted therein. That area or areas designated as the "Prescription Department" pursuant to Rule 480-10-.02(2), for the Predicate Retail Licensee shall constitute the same such area for the Low THC Pharmacy Dispensary and the activities of the Low THC Pharmacy Dispensary may be conducted therein.
- (2) The pharmacist in charge of the Low THC Pharmacy Dispensary shall be the same pharmacist who is designated pharmacist in charge for the Predicate Retail Licensee, and in operation of the Low THC Pharmacy Dispensary shall be subject to Rule 480-10-.02(3).
- (3) A licensed pharmacist shall be present and on duty in a Low THC Pharmacy for the same time and in the same manner as required for operation of the Predicate Retail Licensee.