

**NOTICE OF INTENT TO REPEAL RULE TO THE GEORGIA STATE BOARD OF  
PHARMACY  
RULE 480-10-.18 UTILIZATION OF UNUSED PRESCRIPTION DRUGS.**

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 a repeal of Rule 480-10-.18 UTILIZATION OF UNUSED PRESCRIPTION DRUGS (hereinafter "proposed rule").

This notice, together with an exact copy of the rule and a synopsis of the rule, 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, and a synopsis of the rule 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 Peachtree Street NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Pharmacy's web page at [www.gbp.georgia.gov](http://www.gbp.georgia.gov).

A public hearing is scheduled to begin at 11:30 AM on February 8, 2017 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, Georgia 30303 to provide the public an opportunity to comment upon and provide input into the proposed repeal. 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 February 1, 2017. Written comments should be addressed to the Executive Director of the Georgia State Board of Pharmacy at 2 Peachtree Street NW, Atlanta, Georgia 30303 FAX: 678-717-6694. You may email your comments to [tbattle@dch.ga.gov](mailto:tbattle@dch.ga.gov).

The proposed rule repeal will be considered by the Georgia State Board of Pharmacy at its meeting scheduled to begin at 11:35 AM on February 8, 2017 at the Georgia Board of Pharmacy, Department of Community Health, 2 Peachtree Street, 36<sup>th</sup> Floor, Atlanta, Georgia 30303. According to the Department of Law, State of Georgia, the Georgia State Board of Pharmacy has the authority to repeal the rule pursuant to authority contained in O.C.G.A. §§ 26-4-27, 26-4-28.

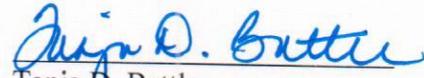
At its meeting on October 20, 2016, the Board voted that the formulation and adoption of this repeal do not impose excessive regulatory cost on any licensee and any cost to comply with the repeal cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 26-4-27, 26-4-28, 16-13-22.

Also, at its meeting on October 20, 2016, 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 repeal 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 4<sup>th</sup> day of January 2017.



Tanja D. Battle  
Executive Director  
Georgia Board of Pharmacy

Posted: January 7, 2017

**SYNOPSIS OF PROPOSED REPEAL OF  
RULE 480-10-.18 UTILIZATION OF UNUSED PRESCRIPTION DRUGS.**

Purpose of Rule: The purpose of this rule was to address the utilization of unused prescription drugs.

Main Features: The main feature of this repeal is to bring the rules in compliance with recent statutory changes.

**PROPOSED REPEAL OF THE GEORGIA STATE BOARD OF PHARMACY RULE  
RULE 480-10-.18 UTILIZATION OF UNUSED PRESCRIPTION DRUGS.**

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

**~~480-10-.18~~ — Utilization of Unused Prescription Drugs. — Repealed.**

(1) Definitions:

(a) ~~“Drug formulary” means any dangerous drug approved by the U.S. Food and Drug Administration, excluding schedule one through five controlled substances and drugs requiring special storage including but not limited to refrigeration. All such drugs must be in the original unit dose or an individually sealed dose as dispensed by the originating pharmacist that remain in intact packaging and must have an expiration date on the label of six months or more from the date of transfer to the pharmacy.~~

(b) ~~‘Health care facility’ means an institution which is licensed as a nursing home, intermediate care home, personal care home, home health agency, or hospice pursuant to Chapter 7 of Title 31.~~

(c) ~~‘Medically indigent person’ means:~~

~~1. A person who is Medicaid eligible under the laws of this state; or~~

~~2. A person:~~

~~(i) Who is without health insurance; or~~

~~(ii) Who has health insurance that does not cover the injury, illness, or condition for which treatment is sought; and whose family income does not exceed 200 percent of the federal poverty level as defined annually by the Federal Office of Management and Budget.~~

~~(2) Unused prescription drugs within the drug formulary from a health care facility that are donated by a patient, patient’s representative, or guardian pursuant to the Utilization of Unused Prescription Drugs Act may be returned only to a licensed pharmacy approved by the Department of Human Resources. The health care facility must obscure the patient’s name, doctor’s name, and prescription number from the label on the donated drug container prior to transferring to the pharmacy. The health care facility must package the donated drugs in a sealed container properly addressed and labeled and arrange for a common carrier to pick up and deliver the drugs to the pharmacy, and such common carrier must maintain the drugs in a secure and temperature controlled environment that meets the drug manufacturers recommendations and United States Pharmaceutical (USP) standards.~~

~~(3) A licensed pharmacist from the health care facility donating drugs must sign a document verifying that the drugs have been maintained in a secure and temperature controlled environment that meets the drug manufacturers’ recommendations and USP standards. Such documents must accompany the drugs to the receiving pharmacy.~~

~~(4) The receiving pharmacy must document the receipt of such donated drugs on a readily retrievable log, and comply with all record keeping requirements of the Board of Pharmacy. All such donated drugs shall be maintained in a separately designated area from the pharmacy's regular stock of drugs, and such storage shall be in an area to ensure drug integrity.~~

~~(5) Donated drugs can only be dispensed to medically indigent persons pursuant to a valid prescription drug order. The receiving pharmacy must dispense the donated drugs in the original packaging as received from the donating health care facility, and the receiving pharmacy must place a label on the donated drug container in conformance with Board of Pharmacy rules and any other applicable state or federal law. The dispensing records for donated drugs must be maintained in the same manner as all other dispensed drugs and according to Georgia law and Board of Pharmacy Rules.~~

~~(6) Dispensing pharmacies of donated drugs may only charge a restocking fee pursuant to Code Section 49-4-152.5. Pharmacies and pharmacist shall not be subject to liability for dispensing unused donated drugs pursuant to this rule when such services are provided without reimbursement (except the restocking fee), and in good faith and compliance with these rules and law.~~

Authority: O.C.G.A. §§26-4-27, 26-4-28.