

SENATE BILL 2862

By Barnes

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 47, Chapter 18, relative to
synthetic drugs

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following language as a new, appropriately designated section:

47-18-1__.

(a) No person or entity shall sell or otherwise introduce into the stream of commerce a product:

(1) Labeled for a use that the person or entity knows or reasonably should know will be used in a manner other than the labeled purpose; and

(2) Is recognized or listed on the attorney general and reporter's web site as a product which is a synthetic drug.

(b) A violation of this section constitutes an unfair or deceptive act or practice affecting the conduct of trade or commerce, subject to the penalties and remedies provided in this part.

(c) Notwithstanding § 47-18-109, in any civil action brought pursuant to § 47-18-109 wherein a violation of this section is found, the person bringing the civil action shall be entitled to the greater of the following:

(1) Treble the actual damages incurred, plus reasonable attorney's fees and costs; or

(2) Ten thousand dollars (\$10,000) per violation.

(d) The penalties and remedies described in subsections (b) and (c) are not exclusive, and may be brought in addition to any other penalties or remedies provided by law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.