

Amendment No. 1 to HB2400

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 2547

House Bill No. 2400*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-10-305(b)(2), is amended by deleting the language "at least once every seven (7) days for all the controlled substances dispensed during the preceding seven-day period" and by substituting instead the language "for each business day but no later than the close of business on the following business day; provided, that a veterinarian shall submit information at least once every seven (7) days and shall not be required to use a computerized system in order to submit required information pursuant to this section".

SECTION 2. Tennessee Code Annotated, Section 53-10-307, is amended by inserting a new subsection (e):

(e)

(1) Failure to submit the required information by any dispenser shall not be considered a violation if a good faith effort was made and the failure of the report to be transmitted was due to technical difficulties or the inability to have the report received by the database.

(2) Technical difficulties shall include the failure of the database to receive the transmission of any report, the failure of any dispenser's system or switch used in the transmission of a report, electrical problems, natural disasters, fires, flooding, or other unforeseen circumstance as defined in rules by the board.

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(3) The board of pharmacy shall have rulemaking authority to implement this subsection.

SECTION 3. Tennessee Code Annotated, Section 53-10-305(b), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(b) A pharmacy dispenser that uses a computerized system to record information concerning the dispensing of controlled substances listed in Schedule II, III, or IV, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse, shall submit the required information to the committee or its agent utilizing nationally recognized pharmacy telecommunications format standards by a procedure and in a format established by the committee for each business day but no later than the close of business on the following business day; provided, that a veterinarian shall submit information at least once every seven (7) days and shall not be required to use a computerized system in order to submit required information pursuant to this section".

SECTION 4. Tennessee Code Annotated, Section 53-10-307, is amended by inserting a new subsection (e):

(e)

(1) Failure to submit the required information by any dispenser shall not be considered a violation if a good faith effort was made and the

failure of the report to be transmitted was due to technical difficulties or the inability to have the report received by the database.

(2) Technical difficulties shall include the failure of the database to receive the transmission of any report, the failure of any dispenser's system or switch used in the transmission of a report, electrical problems, natural disasters, fires, flooding, or other unforeseen circumstance as defined in rules by the board.

(3) The board of pharmacy shall have rulemaking authority to implement this subsection.

SECTION 5. Sections 1 and 2 of this act shall take effect on January 1, 2016, the public welfare requiring it. Sections 3 and 4 of this act shall take effect at 12:01 am on July 1, 2016.