

Senate Health and Welfare Committee 1

Amendment No. 1 to SB0674

**Crowe
Signature of Sponsor**

AMEND Senate Bill No. 674*

House Bill No. 617

by deleting all language following the caption of the bill and by substituting instead the following:

Whereas, as of January 2012, one thousand three hundred sixty-five (1,365) convicted felony methamphetamine related offenders were incarcerated in Tennessee prisons and local jails; and

Whereas, the state of Tennessee spent over four million dollars (\$4,000,000) in federal funds in 2010 alone to clean up methamphetamine lab sites, at an average cost of two thousand five hundred dollars (\$2,500) per site; and

Whereas, seven hundred twenty-two (722) children were placed in the department of children's services' custody for methamphetamine related issues at an estimated cost of nineteen million six hundred thousand dollars (\$19,600,000) during 2010 and 2011; now, therefore

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

SECTION 1. Tennessee Code Annotated, Section 39-17-431(c)(1), is amended by deleting the subdivision and by substituting instead the following:

(1) A pharmacy shall not sell any product containing ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers to the same person, who presents valid photo identification pursuant to subdivision (d)(1), in an amount of more than:

(A) Seven and two tenths (7.2) grams in any thirty-day period; or

(B) Sixty-four and eight tenths (64.8) grams in any one-year period.

SECTION 2. Tennessee Code Annotated, Section 39-17-431(c)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

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(2) A person who presents valid photo identification pursuant to subdivision (d)(1) shall not purchase any product containing ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers in an amount of more than:

(A) Seven and two tenths (7.2) grams in any thirty-day period; or

(B) Sixty-four and eight tenths (64.8) grams in any one-year period.

SECTION 3. Tennessee Code Annotated, Section 39-17-431(c), is amended by adding the following as new subdivisions:

(5) The limits in this subsection (c) shall apply whether one (1) form of identification is used to make the purchase or if two (2) or more forms of identification are used to purchase the products. The limits contained in this subsection (c) shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibitions contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a healthcare practitioner licensed under title 63.

(6)

(A) Any mail-order sale or purchase of a product containing ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers shall comply with this subsection (c).

(B) It is an exception to this subdivision (c)(6) if the person who sent, mailed, shipped or received the prohibited quantity of products was a wholesale drug distributor, a manufacturer of drug products or an agent of either, licensed

by the board of pharmacy, and such person was making a delivery to a pharmacy or pharmacist licensed by the board of pharmacy, a licensed health care professional, a licensed health care facility or a person who has been issued a valid prescription for the substance that was being delivered.

SECTION 4. Tennessee Code Annotated, Section 39-17-431(d), is amended by deleting the first sentence of the subsection, by substituting instead the following and by redesignating the remaining language of the subsection as subdivision (d)(2):

(d)

(1) The pharmacist or pharmacy intern under the supervision of the pharmacist shall require any person purchasing an over-the-counter product containing pseudoephedrine or ephedrine to present valid photo identification at the point of sale.

The valid photo identification shall be:

- (A) Issued by the state of Tennessee;
- (B) Issued by another state or the federal government; or
- (C) If the person is not a citizen of the United States but is legally present in the United States, a passport; provided, however, that a passport photograph must permit the pharmacist or pharmacy intern to verify the person's identity.

SECTION 5. The department of safety is urged to coordinate with the Tennessee bureau of investigation to share information and data that would enable the National Precursor Log Exchange (NPLEX) to display Tennessee driver license photographs to pharmacists at the point of sale.

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to acts occurring on or after such date.