

SENATE BILL 1832

By Yager

AN ACT to amend Tennessee Code Annotated, Title 53,
Chapter 11, Part 3, relative to dispensing certain
prescription drugs.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding the following as a new section:

53-11-310.

(a) Prior to a pharmacy dispensing a prescription for any Schedule II-IV opioid, benzodiazepine, barbiturate or carisoprodol for greater than a seven (7) day supply, a pharmacist, pharmacy technician, pharmacy intern, or clerk designated by the pharmacist shall require the person taking possession of the dispensed prescription to present a valid government issued identification containing that person's photograph, unless the person is personally known to the pharmacist, pharmacy technician, pharmacy intern or designated clerk. The pharmacy shall maintain a retrievable record of the sale after verifying the person obtaining the dispensed prescription is the person whose photograph is contained on the valid government issued identification. The information recorded shall include the name, address, identification type, identification number, prescription number and initials or code of the pharmacist, pharmacy technician, pharmacy intern or designated clerk. Recorded data shall be noted, as appropriate, on the back of the original prescription, electronically, through use of a log book or photocopied identification. Information shall be readily retrievable within twenty-four (24) hours.

(b) The identification and recordkeeping requirements described in subsection (a) shall apply to all authorized dispensers who dispense any Schedule II-IV opioid, benzodiazepine, barbiturate or carisoprodol for greater than a seven (7) day supply.

(c) Any out-of-state pharmacy dispensing prescriptions for any Schedule II-IV opioid, benzodiazepine, barbiturate or carisoprodol for greater than a seven (7) day supply to patients residing in this state shall require the courier used to deliver the dispensed prescription to obtain the printed name and the signature of the person taking possession of the dispensed prescription from the courier.

(d) Should any person who is a minor and who does not have a valid government issued identification containing the person's photograph seek to take possession of a dispensed prescription for a Schedule II-IV opioid, benzodiazepine, barbiturate or carisoprodol, then the pharmacist, pharmacy technician, pharmacy intern or designated clerk shall use professional judgment in determining whether to dispense the prescription to the person. Nothing in this subsection shall waive the record keeping requirement described in subsection (a).

(e) Nothing in this section shall be construed to:

(1) Require that the person taking possession of a Schedule II-IV opioid, benzodiazepine, barbiturate or carisoprodol and the person for whom the prescription is written be the same person;

(2) Apply to any controlled substance dispensed by a licensed veterinarian;

(3) Apply to the department of health;

(4) Apply to drug samples dispensed by a healthcare professional; or

(5) Apply to prescriptions written for:

(A) Inpatients in a hospital;

(B) Outpatients of a hospital where the prescriber writes the order in the medical chart and then the order is given directly to the hospital

pharmacy and the patient does not have the opportunity to handle the written order;

(C) Residents of nursing homes or an assisted living facility;

(D) Inpatients or residents of a mental health hospital or residential facility licensed under title 33;

(E) Inpatients or residents of any facility that is registered by the United States drug enforcement administration as a narcotic treatment program and is subject to the record keeping provisions of 21 C.F.R. § 1304.24; or

(F) Persons incarcerated in a local, state or federal correctional facility.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.