

SENATE BILL 2000

By Yager

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 11 and Title 63, Chapter 1, relative to controlled substances.

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 language as a new, appropriately designated section:

(a) Prior to dispensing a valid prescription drug order for any opioid or benzodiazepine, a pharmacist, pharmacy technician, pharmacy intern or any other person authorized to dispense opioids or benzodiazepines, shall require the person taking possession of the opioid or benzodiazepine from the authorized dispenser to present suitable identification, unless such person is known to the authorized dispenser.

(b) For those persons taking possession of an opioid or benzodiazepine who are paying by cash or money order, the person dispensing the drug shall verify that the identification presented by the person, if unknown to the authorized dispenser, and who must sign for it as required in subsection (c), is consistent with the name as signed as required in subsection (c).

(c) Upon dispensing a valid prescription drug order for an opioid or benzodiazepine, the person dispensing the drug shall require the person taking possession of the opioid or benzodiazepine to provide a signature as confirmation of receipt.

(d) A pharmacist licensed by this state shall not dispense and mail, or deliver by common carrier or delivery service, a valid prescription drug order for any opioid or

benzodiazepine to an address in this state unless the signature of the recipient is obtained as confirmation of receipt at the time of actual delivery.

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

(1) Require that the person taking possession of the opioid or benzodiazepine from the dispenser and the person for whom the prescription is written be the same person;

(2) Apply to opioids or benzodiazepines dispensed by a licensed veterinarian for non-human patients;

(3) Apply to drug samples dispensed by a health care prescriber; or

(4) Apply to opioids or benzodiazepines dispensed to:

(A) Inpatients of a hospital;

(B) Outpatients of a hospital where the authorized prescriber writes the order into the patient's medical record and the prescription drug order is given directly to the hospital pharmacy for dispensing;

(C) Residents of a nursing home or an assisted care living facility as defined in § 68-11-201;

(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 recordkeeping provisions of 21 CFR § 1304.24; or

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

SECTION 2. Tennessee Code Annotated, Section 63-1-301, is amended by deleting subdivisions (1) - (6) and instead substituting the following:

(1) "Advanced practice nurse" means any person licensed under chapter 7 of this title, who meets the requirements of § 63-7-126;

(2) "Chronic non-malignant pain treatment" means prescribing or dispensing opioids, benzodiazepines, barbiturates or carisoprodol for ninety (90) days or more in a twelve month period for pain unrelated to cancer or palliative care;

(3) "Department" means the department of health;

(4) "Medical doctor" means any person licensed under chapter 6 of this title;

(5) "Osteopathic physician" means any person licensed under chapter 9 of this title;

(6)(A) "Pain management clinic" means a privately-owned clinic, facility or office in which any health care provider licensed under this title provides chronic non-malignant pain treatment to a majority of its patients for ninety (90) days or more in a twelve month period. For purposes of determining if a facility qualifies as a pain management clinic under this subdivision (6)(A), the entire clinic, facility, or office caseload of patients who received medical care services from all medical doctors, osteopathic physicians, advanced practice nurses and physician assistants who serve in the clinic, facility or office shall be counted;

(B) "Pain management clinic" also means a privately-owned clinic, facility, or office that advertises in any medium for pain management services and in which one (1) or more employees or contractors prescribe or dispense opioids, benzodiazepines, barbiturates, or carisoprodol. This subdivision (6)(B) does not apply to any licensed healthcare provider who practices interventional pain management under § 63-6-244 and who does not provide chronic non-malignant pain treatment to a majority of patients in a clinic, facility, or office for ninety (90) days or more in a twelve month period; and

(7) "Physician assistant" means any person licensed under chapter 19 of this title.

SECTION 3. Tennessee Code Annotated, Section 63-1-303(c)(1)(B), is amended by deleting the subdivision and substituting the following:

(B) That providers conduct urine drug screening in accordance with a written drug screening and compliance plan as required by rules promulgated by the commissioner of health pursuant to subsection (b);

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it.