

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1574 – SB 1751

March 114, 2014

SUMMARY OF ORIGINAL BILL: Reduces the amount of ephedrine or pseudoephedrine base, salt, isomer, or salt of an isomer an individual can buy in a 30-day period from 3.6 grams to 2.4 grams. Authorizes a pharmacist to override a stop sale alert from NPLeX, but in no event shall a person buy more than 4.8 grams of ephedrine or pseudoephedrine base, salt, isomer, or salt of an isomer in a 30-day period.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013064): Deletes all language after the enacting clause. Increases the daily limit of ephedrine or pseudoephedrine base, their salts, isomers, or salts of isomers that a pharmacy can sell and an individual can purchase in one day from 3.6 grams to 4.8 grams.

Creates a yearly maximum amount of 14.4 grams of ephedrine or pseudoephedrine base, their salts, isomers, or salts of isomers that a pharmacy can sell and an individual can purchase in one year.

Clarifies that the limits do not apply to a person who obtains the product pursuant to a valid prescription.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Tennessee Bureau of Investigation, the additional requirements of the NPLeX will not significantly impact the State.
- A violation of Tenn. Code Ann. § 39-17-431 is a Class A misdemeanor punishable by fine only.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

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- Though increasing the maximum amount of ephedrine or pseudoephedrine base, salt, isomer, or salt of an isomer an individual can buy in a 30-day period from 3.6 grams to 4.8 grams may decrease the number of convictions under Tenn. Code Ann. § 39-17-431, it is assumed that the proposed legislation will not significantly impact state incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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