

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 368 - SB 984

February 24, 2013

SUMMARY OF BILL: Adds ephedrine or pseudoephedrine to the list of Schedule III controlled substances the manufacture, delivery, sell, or possession of which is a Class D felony under Tenn. Code Ann. § 39-17-417. Restricts dispensing of products with any immediate methamphetamine precursor to individuals who present a valid prescription, and prohibits the sale of such products unless the purchaser presents a valid prescription.

Repeals five Class A misdemeanors related to the purchase of nonexempt substances while on the methamphetamine registry, knowingly attempting to sell a product that will be used to produce methamphetamine, knowingly attempting to purchase a nonexempt product with the intent to produce methamphetamine, knowingly purchasing a nonexempt product at different times or locations for the purpose of circumventing the maximum allowable quantity that can be legally purchased in one day, and knowingly using false identification to purchase a nonexempt product.

Repeals several provisions related to data collection and reporting of the sale of methamphetamine precursors. Repeals provision that requires TBI to report to NADDI when someone is removed from the methamphetamine registry.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

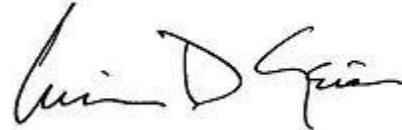
- It is assumed that there will not be a sufficient number of prosecutions resulting from broadening the definition of Schedule III controlled substances or a sufficient reduction of prosecutions from repealing the five misdemeanors for local government to experience any significant increase in revenue or expenditures.
- The reporting requirement of TBI was enacted by Public Chapter 292 of 2011. The fiscal note estimated that the provisions related to data collection, reporting of the sale of methamphetamine precursors, and requiring TBI to report to NADDI when someone is removed from the methamphetamine registry did not have a significant impact on the State or local governments. It is assumed that repealing these provisions will not have a significant impact on the State or local governments.
- The Board of Pharmacy will ensure that pharmacies and pharmacists are adhering to the changes in the proposed legislation. Any costs incurred due to necessary regulatory or

reporting procedure changes will not be significant and can be accommodated within the existing resources of the Board.

- Pursuant to Tenn. Code Ann. § 4-3-1011, all regulatory boards are required to be self-supporting over a two-year period. The Board of Pharmacy had closing balances of \$553,901 in FY10-11, \$88,209 in FY11-12, and a closing reserve balance of \$929,407 on June 30, 2012.

CERTIFICATION:

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



Lucian D. Geise, Executive Director

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