



February 24, 2015

SUMMARY OF ORIGINAL BILL: Changes the limit calculation in regards to the method of measuring the total amount of immediate methamphetamine precursors that can be sold to any individual in a period of thirty (30) days or one (1) year.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003504): Deletes all language after the enacting clause. Changes the limit calculation in regards to the method of measuring the total amount of immediate methamphetamine precursors that can be sold to any individual in a period of thirty (30) days or one (1) year. Allows the overall weight of a product containing immediate methamphetamine precursors to be used in the measure of limit calculations.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-431, products containing immediate methamphetamine precursors may be dispensed only by a licensed pharmacy; however, products received pursuant to a valid practitioner's prescription, products that are not in a form usable in the manufacture of methamphetamine, or products that contain a molecular lock may be exempt from this requirement.
- Limit calculations apply to both over-the-counter purchases and pharmacist-generated prescription orders of products containing immediate methamphetamine precursors usable in the production of methamphetamine.
- Currently, the limit calculation is derived from the total amount of base ephedrine and pseudoephedrine contained in the purchased products and not the overall weight of the products.
- This bill would change the limit calculation, making it equal to the ephedrine and pseudoephedrine, and their salts and isomers or salts of isomers contained in the product. Allows the overall weight of a product to be used in determining limit calculations.
- Pharmacies are required to utilize the National Precursor Log Exchange (NPLEx) to track sales of products containing immediate methamphetamine precursors. NPLEx is administered by the National Association of Drug Diversion Investigators (NADDI).

- If a person purchases any product containing immediate methamphetamine precursors in an amount over these required limits, the NPLeX system will issue a stop sale alert.
- A violation of Tenn. Code Ann. is a Class A misdemeanor punishable by fine only.
- Based on information provided by the Administrative Office of the Courts, any misdemeanor offenses committed pursuant to limit calculations are not kept separate and apart from other misdemeanor offenses committed under § 39-17-431; therefore, any change in such misdemeanor offenses is indeterminable.
- If the person in violation is a licensed pharmacy or pharmacist, the violation is reported to the Department of Health, the Board of Pharmacy for review and appropriate action. The Board has yet to issue a citation or receive a complaint regarding sales that exceed currently established limit calculations.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two-year period.
- The Board of Pharmacy had an annual surplus of \$296,813 in FY12-13, an annual deficit of \$66,136 in FY13-14, and a cumulative reserve balance of \$1,160,083 on June 30, 2014.

CERTIFICATION:

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



Jeffrey L. Spalding, Executive Director

/jdb