

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 312 - HB 389

March 25, 2019

**SUMMARY OF ORIGINAL BILL:** Requires a medical review officer to only consider a prescription valid, if it was issued within six months prior, in order to confirm the results of a drug test for purposes of an employer taking action against an employee who has tested positive.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006446):** Deletes and rewrites all language after the enacting clause such that the only substantive change is to define the terms “valid prescription” and “issued” relative to the provisions in the legislation.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code An. 50-9-105(a), employers are required to have a written policy of procedure for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications only after a test resulted positive for drugs or alcohol.
- Current law has no restrictions on a medical review officers’ determination of a positive drug test with regard to prescriptions.
- Restricting a medical review officer from considering prescriptions issued more than six months prior to positive drug test will not have a significant impact on state or local government as an employer.

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- According to the Bureau of Workers' Compensation there may be a decrease in the number of compensable workers compensation claims, due to the limit of a six month valid prescription; however, any impact is estimated to be not significant.

**IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- Some businesses may experience a temporary loss in employees due to the newly-established six month prescription window; however, it is expected that employees will be replaced causing a not significant impact to commerce and jobs in Tennessee.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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