

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 312 - HB 389

February 26, 2019

SUMMARY OF 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.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- 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.
- 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:

NOT SIGNIFICANT

Assumption:

- 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.

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CERTIFICATION:

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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