

HOUSE BILL 429

By Pitts

AN ACT to amend Tennessee Code Annotated, Title 53,
relative to dispensing and delivery requirements
for controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding a new section thereto, as follows:

53-11-310.

(a) Prior to dispensing a valid prescription drug order for any controlled substance, a pharmacist, pharmacy technician, pharmacy intern or any other person authorized to dispense controlled substances shall require the person taking possession of the controlled substance from the authorized dispenser to present suitable identification, unless such person is known to the authorized dispenser.

(b) Upon dispensing a valid prescription drug order for any controlled substance, the pharmacist, pharmacy technician, pharmacy intern or any other person authorized to dispense controlled substances shall require the person taking possession of the controlled substance from the authorized dispenser to provide a signature as confirmation of receipt.

(c) Whenever any pharmacist currently licensed or otherwise authorized to practice in Tennessee or any out-of-state pharmacist registered to conduct business in Tennessee delivers a valid prescription drug order for any controlled substance by mail, common carrier or delivery service to a Tennessee address, the signature of the recipient shall be required as confirmation of receipt.

(d) Nothing in this section shall be construed to:

(1) Require that the person taking possession of the controlled substance from the authorized dispenser and the person for whom the prescription is written be the same person;

(2) Apply to any controlled substance dispensed by a licensed veterinarian for non-human patients;

(3) Apply to any drug samples dispensed by a health care prescriber; or

(4) Apply to prescriptions written for:

(A) Inpatients of a hospital;

(B) Outpatients of a hospital where the doctor, or other person authorized to write prescriptions, writes the order into the medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order;

(C) Residents of a nursing home or an assisted care living facility as defined in § 68-11-201;

(D) Inpatients or residents of a mental health hospital or residential facility licensed under Title 33;

(E) Inpatients or residents of any facility that is registered by the United States drug enforcement administration as a narcotic treatment program and is subject to the recordkeeping provisions of 21 CFR 1304.24; or

(F) Individuals incarcerated in a local, state or federal correctional facility.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.