

HOUSE BILL 542

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4; Title 53, Chapter 10; Title 56; Title 63, Chapter 1; Title 63, Chapter 10; Title 67 and Title 68, relative to certain duties of pharmacists.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

**39-17-455.**

(a) For the purposes of this section:

- (1) "Pharmacist" has the same meaning as defined in § 63-10-204; and
- (2) "Pharmacy" means a pharmacy as defined in § 63-10-204, which

sells any Schedule II controlled substance at retail to the public.

(b) A pharmacist shall counsel with any person seeking to purchase a Schedule II controlled substance as to the reasons for needing the substance and may decline the sale if the pharmacist believes the sale is not for a legitimate medical purpose.

(c) It is an offense for the owner or operator of any pharmacy to knowingly restrict or interfere with, or knowingly require a protocol or procedure that restricts or interferes with, a pharmacist's professional duty to counsel and evaluate the patient's appropriate pharmaceutical needs and the exercise of the pharmacist's professional judgment as to whether it is appropriate to dispense a Schedule II controlled substance as set forth in subsection (b) or as otherwise provided by law.

(d) A violation of subsection (c) shall be a Class A misdemeanor, punishable by fine only.

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 6, Part 5, is amended by adding the following as a new section:

**67-6-519.**

(a) Notwithstanding title 56, for policies or contracts entered into or renewed on and after the effective date of this act, a pharmacy benefits manager or a covered entity, as defined in § 56-7-3102, shall either permit a pharmacist or pharmacy to collect any tax due under this chapter on any prescription diabetic supplies sold or the pharmacy benefits manager shall collect and remit any such tax as part of the monies received as a patient's responsibility for a co-payment or coinsurance.

(b) For the purposes of this section, "diabetic supplies" means lancets, test strips for blood glucose monitors, and visual reading and urine test strips for diabetes for human use.

SECTION 3. This act shall take effect July 1, 2013, the public welfare requiring it.