

HOUSE BILL 1927

By Jones

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 9 and Title 53, relative to drugs to treat  
erectile dysfunction.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 1, is amended by adding the following as a new section to be appropriately designated:

(a) For the purposes of this section, unless the context requires otherwise:

(1) "Erectile dysfunction" means the persistent inability to achieve or maintain penile erection sufficient for satisfactory sexual performance; and

(2) "Physician" means a physician licensed under title 63, chapter 6 or 9.

(b)

(1) No person other than a physician may issue to a patient a prescription for a drug intended to treat symptoms of erectile dysfunction.

(2)

(A) Before issuing a prescription for a drug intended to treat symptoms of erectile dysfunction, a physician shall:

(i) Obtain from the patient a notarized affidavit in which at least one of the patient's sexual partners affirms that the patient has experienced symptoms of erectile dysfunction during the ninety (90) days preceding the affidavit's date, if he has never been married, emancipated by a court, or otherwise freed from the care, custody, and control of his parents;

(ii) Conduct a cardiac stress test and obtain a result, described in writing, indicating that the patient's cardiac health is compatible with sexual activity;

(iii) Notify the patient in writing of the potential risks and complications associated with taking drugs intended to treat erectile dysfunction, as well as provide alternatives to erectile dysfunction medications, counseling regarding erectile dysfunction, and possible physical and psychological risks of taking erectile dysfunction medications, and obtain the patient's signature on a form acknowledging the patient's receipt of the notification; and

(iv) Provide a written statement, under penalty of perjury, that the drug the physician is prescribing is necessary to treat the patient's symptoms of erectile dysfunction, which includes the physician's medical rationale for issuing the prescription.

(B) A physician must not issue a prescription for a drug intended to treat symptoms of erectile dysfunction any sooner than forty-eight (48) hours after the patient provides written acknowledgement of receipt of the notification required pursuant to subdivision (b)(2)(A)(iii).

(C) No physician shall prescribe erectile dysfunction medications for men who are able to become partially erect.

(3) To ensure the continued health of a patient to whom a prescription for a drug intended to treat symptoms of erectile dysfunction has been issued as part of the patient's course of treatment, including treatment by issuing a prescription for one (1) or more refills of the drug originally prescribed to treat symptoms of erectile dysfunction, or the prescription of another drug for that purpose, the physician shall:

(A) Require the patient to be seen in-person by the physician in an office visit for prescribing each refill;

(B) Require the patient to undergo a cardiac stress test every ninety (90) days while the patient is taking the drug to ensure that the patient's cardiac health continues to be compatible with sexual activity; and

(C) Require the patient to attend three (3) sessions of outpatient counseling within a period of not less than six (6) months after the drug initially is prescribed to ensure the patient's understanding of the dangerous side effects of drugs intended to treat the symptoms of erectile dysfunction and which counseling includes information on nonpharmaceutical treatments for erectile dysfunction, including sexual counseling and resources for patients to pursue celibacy as a viable lifestyle choice.

(c) Physicians and hospitals may not be coerced to prescribe erectile dysfunction medications.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 27, Part 2, is amended by adding the following as a new section to be appropriately designated:

The group insurance plan for employees under this part shall not cover drugs intended to treat erectile dysfunction as a benefit.

SECTION 3. Tennessee Code Annotated, Section 9-4-5116, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) No state funds shall be expended to pay for drugs prescribed to treat erectile dysfunction unless the expenditure for the drug is required by federal law.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.