

HOUSE BILL 9080

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 33; Title 53; Title 63 and Title 68, relative to COVID-19.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section:

(a) A licensing board or disciplinary subcommittee shall not revoke, fail to renew, suspend, or take an action against a physician's license issued under this chapter based solely on the physician's recommendations to a patient regarding treatment for COVID-19, so long as the physician exercised independent medical judgment and believes that the medical treatment is in the best interest of the patient.

(b) The governor shall remove from office a member of the board who violates this section on or after the effective date of this act. A new member shall be appointed by the governor to serve out the remaining term of the member being replaced.

(c) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-COV-2, and coronavirus disease 2019, including a mutation or variant of the novel coronavirus, SARS-COV-2, and coronavirus disease 2019;

(2) "Off-label" has the same meaning as defined in § 53-10-113;

(3) "Pharmacy" has the same meaning as defined in § 63-10-204; and

(4) "Treatment for COVID-19":

(A) Means a procedure, protocol, drug, or remedy intended to prevent, mitigate, or treat COVID-19; and

(B) Includes:

(i) An off-label treatment intended to prevent, mitigate, or treat COVID-19;

(ii) A physician's communication to a patient that a messenger ribonucleic acid (mRNA) injection is different from a vaccine, as defined by the federal centers for disease control and prevention prior to 2015; and

(iii) A physician's communication to a patient explaining the difference between a medical treatment that provides immunity from contracting a disease when exposed to it and a drug that provides protection against one (1) or more potential health consequences that may result from exposure to a disease.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section:

(a) A licensing board or disciplinary subcommittee shall not revoke, fail to renew, suspend, or take an action against an osteopathic physician's license issued under this chapter based solely on the osteopathic physician's recommendations to a patient regarding treatment for COVID-19, so long as the osteopathic physician exercised independent medical judgment and believes that the medical treatment is in the best interest of the patient.

(b) The governor shall remove from office a member of the board who violates this section on or after the effective date of this act. A new member shall be appointed by the governor to serve out the remaining term of the member being replaced.

(c) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-COV-2, and coronavirus disease 2019, including a mutation or variant of the novel coronavirus, SARS-COV-2, and coronavirus disease 2019;

(2) "Off-label" has the same meaning as defined in § 53-10-113;

(3) "Pharmacy" has the same meaning as defined in § 63-10-204; and

(4) "Treatment for COVID-19":

(A) Means a procedure, protocol, drug, or remedy intended to prevent, mitigate, or treat COVID-19; and

(B) Includes:

(i) An off-label treatment intended to prevent, mitigate, or treat COVID-19;

(ii) A communication to a patient that a messenger ribonucleic acid (mRNA) injection is different from a vaccine, as defined by the federal centers for disease control and prevention prior to 2015; and

(iii) A communication to a patient explaining the difference between a medical treatment that provides immunity from contracting a disease when exposed to it and a drug that provides protection against one (1) or more potential health consequences that may result from exposure to a disease.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new section:

(a) For a drug, biological product, or device prescribed as a treatment for COVID-19, a pharmacy shall not block or attempt to block a patient's access to the drug, biological product, or device solely on the basis that the United States food and drug

administration (FDA) has not approved the drug, biological product, or device to treat COVID-19.

(b) As used in this section "treatment for COVID-19" has the same definition as defined in SECTION 1.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.