State of Tennessee

PUBLIC CHAPTER NO. 824

SENATE BILL NO. 869

By Reeves, Stevens, Yarbro, Campbell

Substituted for: House Bill No. 282

By Baum, Brock Martin, Sherrell, Powell, Burkhart

AN ACT to amend Tennessee Code Annotated, Title 33; Title 58; Title 63; Title 68 and Title 71, relative to the practice of pharmacy.

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

SECTION 1. Tennessee Code Annotated, Section 63-10-204(39), is amended by adding the following as new subdivisions:

(C) Notwithstanding subdivision (39)(B), "practice of pharmacy" includes the issuing of a prescription or medical order of the following drugs, drug categories, or devices, excluding controlled substances, that are issued in accordance with the product's federal food and drug administration-approved labeling or guidelines of the federal centers for disease control and prevention that are limited to:

(i) Antivirals for influenza and COVID-19 that are waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 U.S.C. § 263a), upon completion of a test that is used to guide diagnosis or clinical decision-making;

(ii) Agents for active immunization when prescribed for susceptible persons for the protection from communicable disease for individuals who are eighteen (18) years of age and older, and agents for active immunization for influenza and COVID-19 for individuals who are three (3) to seventeen (17) years of age; provided, that pharmacists shall comply with recordkeeping and reporting requirements, including, but not limited to:

(a) Informing the patient's primary care provider, if the patient identifies a primary care provider;

(b) Submitting the required immunization information to this state's vaccine registry;

(c) Complying with requirements related to reporting adverse events; and

(d) Reviewing the patient's vaccine history, if any, through this state's vaccine registry or other vaccination records prior to administering a vaccine;

(iii) Post-exposure prophylaxis for nonoccupational exposure to HIV infection, and the ordering of lab tests in conjunction with initiation of therapy;

(iv) Epinephrine auto-injectors for patients with a documented history of allergies or anaphylactic reactions;

(v) Progesterone-only hormonal contraceptives;

(vi) Naloxone;

(vii) Topical fluoride agents when prescribed according to the American Dental Association's recommendations for persons whose drinking water is proven to have a

fluoride content below the United States department of health and human services' recommended concentration; and

(viii) Tuberculin purified protein derivative products in compliance with current statutory reporting requirements;

(D) The standard of care for a pharmacist providing the services listed in subdivision (39)(C) is the same standard of care as a physician ordering or providing the same service;

(E) Issuing a prescription or medical order pursuant to subdivision (39)(C) is not considered the "practice of medicine" as defined in § 63-6-204;

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 17, 2024

RANDY McNALLY
SPEAKER OF THE SENATE

CAMERON SEXTON, *SPEAKER*
HOUSE OF REPRESENTATIVES

APPROVED this 1st **day of** May **2024**

BILL LEE, *GOVERNOR*