

SENATE BILL 1647

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4; Title 53, Chapter 10; Title 53, Chapter 11 and Title 63, Chapter 10, relative to products containing methamphetamine precursor.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-416, is amended by deleting the section in its entirety and by substituting instead the following:

There is established a Schedule VII for the classification of substances that should not be included in Schedules I through VI. The controlled substances included in Schedule VII are:

- (1) Butyl nitrite and any isomer of Butyl nitrite; and
- (2) Immediate methamphetamine precursor.

SECTION 2. Tennessee Code Annotated, Section 39-17-431(a), is amended by deleting the subsection and by substituting instead the following:

(a)

(1) Except as provided in this section, any product or products that contain any immediate methamphetamine precursor may be dispensed only by a licensed pharmacy upon receipt of a valid electronic, facsimile or oral prescription issued by a licensed physician, certified physician assistant, or nurse authorized pursuant to § 63-6-204, who is rendering service under the supervision, control and responsibility of a licensed physician and who meets the requirements pursuant to § 63-7-207(14). The requirement for a prescription imposed by this subsection (a) shall not apply to any

substance certified and listed in accord with subdivision (a)(2) by the board of pharmacy as a methamphetamine abuse deterring formulation of a methamphetamine precursor.

(2) On and after January 1, 2015, the board of pharmacy shall publish, maintain and periodically revise a certified list of methamphetamine abuse deterring formulations of a methamphetamine precursor which incorporate tamper or abuse resistant properties. In order to be included on the certified list, the board must determine that the formulation must significantly limit the extraction and conversion of pseudoephedrine or other precursors into methamphetamine. The list shall include products which prevent or significantly limit the dissolution of pseudoephedrine tablets in order to obtain purified pseudoephedrine. The list shall be promulgated by the board by rule adopted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 39-17-431(e)(2), is amended by deleting the language "an over-the-counter" and by substituting instead the language "a".

SECTION 4. Tennessee Code Annotated, Section 53-10-304(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) The purpose of the database is to assist in research, statistical analysis, criminal investigations, enforcement of state or federal laws involving controlled substances, and the education of health care practitioners concerning patients who, by virtue of their conduct in acquiring controlled substances, may require counseling or intervention for substance abuse, by collecting and maintaining data as described in this part regarding all immediate methamphetamine precursors, all controlled substances in Schedules II, III and IV dispensed in this state, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse.

SECTION 5. Tennessee Code Annotated, Section 53-10-304(d), is amended by deleting the first sentence of the subsection in its entirety and by substituting instead the following:

The data required by this part shall be submitted in compliance with this part to the database by any dispenser, or dispenser's agent, who dispenses an immediate methamphetamine precursor, a controlled substance contained in Schedules II, III, and IV, and Schedule V controlled substances identified by the controlled substance database committee as demonstrating a potential for abuse.

SECTION 6. Tennessee Code Annotated, Section 53-10-305(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) A pharmacy dispenser that uses a computerized system to record information concerning the dispensing of immediate methamphetamine precursors, controlled substances listed in Schedule II, III, or IV, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse, shall submit the required information to the committee or its agent utilizing nationally recognized pharmacy telecommunications format standards.

SECTION 7. Tennessee Code Annotated, Section 53-10-304(c), is amended by deleting the section in its entirety and by substituting instead the following:

(c) The purpose of the database is to assist in research, statistical analysis, criminal investigations, enforcement of state or federal laws involving controlled substances, and the education of health care practitioners concerning patients who, by virtue of their conduct in acquiring controlled substances, may require counseling or intervention for substance abuse, by collecting and maintaining data as described in this part regarding immediate methamphetamine precursors, all controlled substances in Schedules II, III and IV dispensed in this state, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse.

SECTION 8. Tennessee Code Annotated, Section 53-10-304(d), is amended by deleting the first sentence of the subsection in its entirety and by substituting instead the following:

The data required by this part shall be submitted in compliance with this part to the committee by any practitioner, or person under the supervision and control of the practitioner, pharmacist or pharmacy who dispenses an immediate methamphetamine precursor, a controlled substance contained in Schedules II, III and IV, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new section:

63-10-217. A pharmacist is authorized to dispense an immediate methamphetamine precursor upon oral prescription of the pharmacist, reduced promptly to writing and filed by the pharmacy. The prescription may not exceed six (6) months in length. Prescriptions shall be retained and filed in conformity with the requirements of §§ 53-11-306 and 39-17-431. A pharmacist may dispense an immediate methamphetamine precursor only pursuant to this section or § 39-17-431.

SECTION 10. Sections 1, 2, 3, 7, 8 and 9 of this act shall take effect July 1, 2014, the public welfare requiring it. Sections 4, 5, and 6 shall take effect at 12:01 a.m. on July 1, 2016, the public welfare requiring it.