

SENATE BILL 2494

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 53, Chapter 11, Part 4 and Title 71, Chapter
6, Part 1, relative to the theft of certain controlled
substances.

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

SECTION 1. Tennessee Code Annotated, Section 71-6-119, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) It is an offense to knowingly, other than by accidental means, physically abuse or grossly neglect an impaired adult if the abuse or neglect results in serious mental or physical harm.

(2) In order to prosecute and convict a person for a violation of this subsection, it is not necessary for the state to prove the adult sustained serious bodily injury as required by § 39-13-102, but only that the elements set out in subsection (a) occurred.

(b)

(1) It is an offense for a health care provider to:

(A) Take, obtain, exercise control over, deny use of, withhold or otherwise deprive a patient of a controlled substance, or any portion of the full prescribed dosage of a controlled substance, that has been prescribed, in whole or in part, for the patient's care, comfort, pain or well-being; and

(B) Engage in any of the conduct set out in subdivision (1)(A) of this subsection (b) for an unlawful purpose.

(2) As used in this subsection, “health care provider” means a person who is licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or practice of a profession and includes, but is not limited to, any physician, osteopathic physician, chiropractor, nurse, hospital personnel, mental health professional, other health care professional, employee of a health care provider, or a person who impersonates a health care provider.

(c) A violation of this section is a Class C felony.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.