

SENATE BILL 2638

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 47;  
Title 53 and Title 68, relative to pharmaceutical  
advertisements.

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

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-3401.**

As used in this part:

(1) "Direct to consumer" means advertisements that are distributed to a general audience rather than to healthcare providers;

(2) "Newspaper" means a publication produced on newsprint paper and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion;

(3) "Online" means a website, social media, or other digital platform available by using the internet or other computer network;

(4) "Pharmaceutical advertisement" means direct to consumer representations by newspaper, online, or on television, for the purpose of inducing, or that are likely to induce directly or indirectly, the purchase, sale, or use of prescription drugs;

(5) "Prescription drug" means a drug that under federal or state law is required to be dispensed only pursuant to a prescription order or is restricted to use by individuals authorized by law to prescribe drugs; and

(6) "Television":

(A) Means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming; and

(B) Includes any video programming downloaded or streamed via the internet.

**47-18-3402.**

It is unlawful for any individual, entity, or organization to broadcast, display, or disseminate pharmaceutical advertisements in this state.

**47-18-3403.**

A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter. Any violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

**47-18-3404.**

(a) The attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under the Tennessee Consumer Protection Act of 1977 relating to alleged violations of this part. The attorney general and reporter may institute any proceedings involving alleged violations of this part in Davidson County circuit or chancery court or any other venue otherwise permitted by law.

(b) Costs of any kind or nature cannot be taxed against the attorney general and reporter or the state in actions commenced under this part.

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