

HOUSE BILL 315

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 53
and Title 63, relative to pharmacy practice.

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

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 63-10-215.

(a) Before a pharmacist or a pharmacy may dispense or deliver a prescription drug to a person, the pharmacist or pharmacy shall obtain a valid form of government issued identification from the person who presents to take possession of the prescription and consult a database maintained by the pharmacy of persons authorized to take possession and deliver the prescription. If the person who presents to take possession of a prescription is not the individual for whom the prescription is prescribed and that person has not been authorized to pick up the prescription, the pharmacist or pharmacy shall photocopy a valid form of government issued identification and require the person to complete a form which shall include the person's name, home address, telephone number, and relationship to the patient. Except as provided in subsection (c), a pharmacist or pharmacy shall not dispense or deliver a prescription drug to an individual under the age of eighteen (18).

(b) A pharmacy is required to maintain a database of persons authorized to pick up the prescriptions of individuals for whom the pharmacist or pharmacy dispenses a prescription. At the time that a pharmacist dispenses a prescription to an individual for the first time, the pharmacist shall inquire of the individual as to who is authorized to pick up prescriptions and record the names in a database at the pharmacy. Persons who are

authorized to pick up the prescription of another individual must be over the age of eighteen (18). If the person who presents to pick up the prescription for another individual has been authorized within the database to do so, the pharmacist or pharmacy need only obtain a valid form of government issued identification from that person prior to delivering or dispensing the prescription.

(c) A physician may sign a waiver authorizing an individual under the age of eighteen (18) for whom medication has been prescribed to pick up that prescription. Upon reviewing a waiver signed by a physician, the pharmacist or pharmacy may dispense or deliver a prescription to a minor upon satisfying the requirements of subsection (a).

(d) Any information obtained pursuant to this section shall be confidential and shall not be a public record for the purposes of title 10, chapter 7, and shall only be made available pursuant to court order or to the board of pharmacy on request by the board. The board of pharmacy is authorized to promulgate rules and regulations to effectuate the purposes of this section and such rules shall comply with relevant federal law, including the federal Health Insurance Portability and Accountability Act of 1996, compiled in 42 U.S.C. 1320d et. seq. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.