

SENATE BILL 409

By Henry

AN ACT to amend Tennessee Code Annotated, Title 53,
Chapter 11, relative to controlled substances.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding the following as a new section in that part:

53-11-309

(a) Any physician, dentist, optometrist, podiatrist, veterinarian, nurse authorized pursuant to § 63-6-204 or § 63-9-113, physician assistant or pharmacist who has good reason to believe a person has obtained or attempts to obtain controlled substances prohibited under § 53-11-402(a)(6) shall report such activity within three (3) business days to the local law enforcement agency for investigation.

(b) A health care provider is immune from civil liability if the health care provider, operating in good faith, makes a complaint or furnishes a report, information or records to law enforcement agencies pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 53-11-402(a), is amended by adding the following as a new subdivision (6):

(6) Notwithstanding § 71-5-2601, deceive or fail to disclose to a physician, nurse practitioner, ancillary staff, or a pharmacist or other health care provider from whom the person obtains a controlled substance, or a prescription for a controlled substance, that the person has received either the same controlled substance or a prescription for the same controlled substance, or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use, from another practitioner within the previous thirty (30) days.

SECTION 3. Tennessee Code Annotated, Section 53-11-402(b)(1), is amended by deleting the language in its entirety and substituting instead the following:

(b)

(1) A violation of this section is a class D felony, except that a violation of subdivision (a)(6) shall be a Class A misdemeanor.

SECTION 4. This act shall take effect on July 1, 2009, the public welfare requiring it.