

**PUBLIC CHAPTER NO. 458**

**HOUSE BILL NO. 2261**

**By Representatives Odom, Hensley, DuBois, Overbey, Sargent, Brown, Dean,  
Montgomery, Shepard, Shaw, Williams, Phillip Johnson**

**Substituted for: Senate Bill No. 2227**

**By Senators Kyle, Herron, Jackson, Marrero, Burks, Kilby, Lowe Finney, Raymond  
Finney**

AN ACT to amend Tennessee Code Annotated, Section 71-5-2601(a)(1)(A), relative to drug prescription fraud.

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

SECTION 1. Tennessee Code Annotated, Section 71-5-2601(a)(1)(A), is amended by deleting the period (“.”) at the end of subdivision (ii) and substituting instead the language “; or”.

SECTION 2. Tennessee Code Annotated, Section 71-5-2601(a)(1)(A), is amended by adding the following as a new subdivision (iii):

(iii) Controlled substance benefits by knowingly, willfully and with the intent to deceive, failing to disclose to a physician, nurse practitioner, ancillary staff 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 30 days and the person used TennCare to pay for either the clinical visit or for payment of the controlled substances.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: June 6, 2007**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 18th day of June 2007

  
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PHIL BREDESEN, GOVERNOR