

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 228

HOUSE BILL NO. 151

By Representative Hensley

Substituted for: Senate Bill No. 224

By Senators Stanley, Burks

AN ACT to amend Tennessee Code Annotated, Title 53.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 3, is amended by adding the following as a new, appropriately designated section:

Section 53-10-3____.

(a) Each practice site where a controlled substance is dispensed shall provide for electronic access to the database at all times when the dispenser provides health care services to a human patient potentially receiving a controlled substance.

(b) This section shall not apply to any dispensers that are not required to report pursuant to Section 53-10-304(d).

(c) A violation of subsection (a) is punishable by a civil penalty not to exceed one hundred dollars (\$100.00) a day assessed against the prescriber or the pharmacy as defined in Section 63-10-204; provided, however, that such penalty shall only be imposed where there is a continued pattern or practice of not providing electronic access to the database.

(d) Any dispenser, individual or entity shall not be subject to a suit for civil damages nor held civilly liable for the failure to check the database or for actions taken after reasonable reliance on information in the database.

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

PASSED: May 11, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2009



PHIL BREDESEN, GOVERNOR