

Tennessee Pharmacists Association

SB1683 **CRIMINAL LAW: Possession and distribution of testing equipment for identifying strength of controlled substances.**

Sponsors: Sen. Briggs, Richard ,
Summary: Permits a person who intends to introduce a controlled substance into the person's body to use or possess with the intent to use testing equipment for identifying or analyzing the strength, components, or purity of a controlled substance. Permits a governmental or nongovernmental entity that promotes scientifically proven ways of mitigating health risks associated with drug use to possess or distribute this equipment to a person who intends to introduce a controlled substance into the person's body.
Senate Status: 01/13/22 - Referred to Senate Judiciary Committee.

SB1769/HB1752 **INSURANCE HEALTH: Coverage of emergency services.**

Sponsors: Sen. Briggs, Richard , Rep. Smith, Robin
Summary: Prohibits a health benefit plan from denying coverage for emergency services obtained in certain medical facilities, including a hospital, satellite emergency department facility, freestanding emergency room, urgent care center, or physician's office. Broadly captioned.
Fiscal Note: (Dated January 30, 2022) NOT SIGNIFICANT
Senate Status: 01/20/22 - Referred to Senate Commerce & Labor Committee.
House Status: 02/14/22 - House passed.
Executive Status: 02/14/22 - Joint Council on Pensions released to standing committees without comment.

SB1780/HB1853 **LABOR LAW: Work authorization status of new hires verified through E-Verify.**

Sponsors: Sen. Lundberg, Jon , Rep. Boyd, Clark
Summary: Lowers the threshold for employers having to verify work authorization status of new hires through E-Verify from those with 50 or more employees to those with 25 or more employees. Requires the office of employment verification assistance to offer, at no charge, E-Verify sign ups and work authorization status checks for employers with less than 50 employees. Specifies that an employer is not in violation of the Tennessee Lawful Employment Act if the employer acts upon false results generated by the E-Verify program concerning an employee's work authorization status. Prohibits certain wrongful or retaliatory discharge or discrimination actions by employees who are not authorized to work in the US under federal immigration laws when the employer is unaware that the employee is not authorized to work in the US. Prohibits certain rehires.
Amendment Summary: House amendment 1 (013765) revises the present law provision that requires an employer to maintain, for employees, a record of any results generated by the E-Verify program for that particular employee to instead require an employer to maintain an E-Verify case result for each employee that visibly shows that the employee is authorized to work, whether on the E-Verify Quick Audit Report, the E-Verify User Audit Report, or the individual employee E-Verify case verification result. This amendment provides that the E-Verify case result must be visible showing the work authorization status.
Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 02/28/22 - House passed with amendment 1 (013765).

SB1802/HB1763 **CRIMINAL LAW: Definition of drug paraphernalia.**

Sponsors: Sen. Reeves, Shane , Rep. Lamberth, William
Summary: Expands the definition of drug paraphernalia to include pill press devices unless the pill press device is used by a person or entity that lawfully possesses drug products in the course of legitimate business activities, including a pharmacy or pharmacist licensed by the board of pharmacy; a wholesale drug distributor, or its agents, licensed by the board of pharmacy; and a manufacturer of drug products, or its agents, licensed by the board of pharmacy. Broadly captioned.
Amendment Summary: House amendment 1 (013293) expands the definition of drug paraphernalia to include pill press devices and pieces of a pill press device, unless the pill press device or piece of a pill press device is used by a person or entity that lawfully possesses drug products in the course of legitimate business activities.
Fiscal Note: (Dated January 24, 2022) NOT SIGNIFICANT
Senate Status: 01/24/22 - Referred to Senate Judiciary Committee.
House Status: 02/24/22 - House passed with amendment 1 (013293).

SB1804/HB1751 **INSURANCE HEALTH: Uniform claim forms - reporting by healthcare providers.**

Sponsors: Sen. Reeves, Shane , Rep. Whitson, Sam
Summary: Requires the commissioner of commerce and insurance to make the prescribed claim forms for reporting by healthcare providers available to healthcare providers on the department's website. Broadly captioned.
Fiscal Note: (Dated January 18, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

SB1843/HB1897 **HEALTH CARE: Reporting prescribers that acquire controlled substances by fraud or forgery.**

Sponsors: Sen. Lundberg, Jon , Rep. Hulsey, Bud
Summary: Requires employers of healthcare prescribers to report to the TBI and local law enforcement authorities, as well as the department of health, prescribers that acquire or attempt to acquire controlled substances by misrepresentation, fraud, forgery, deception, or subterfuge.
Fiscal Note: (Dated January 30, 2022) NOT SIGNIFICANT
Senate Status: 03/01/22 - Taken off notice in Senate Judiciary Committee.
House Status: 02/22/22 - Failed in House Health Subcommittee after adopting amendment 1 (012143).

SB1858/HB1873 **COMMERCIAL LAW: Payments by customers - legal tender required to be accepted.**

Sponsors: Sen. Niceley, Frank , Rep. Hulsey, Bud
Summary: Prohibits a person selling or offering for sale goods or services at retail from requiring a buyer to pay using credit, or prohibit cash as payment, in order to purchase the goods or services. Requires a person selling or offering for sale goods or services at retail to accept legal tender when offered by the buyer as payment. Specifies that a violation is a prohibited practice under the Tennessee Consumer Protection Act of 1977.
Amendment Summary: House Banking & Consumer Affairs Subcommittee amendment 1 (013416) allows that the rule for a person selling or offering for sale goods or services at retail shall not require a buyer to pay using credit, or prohibit cash as payment, in order to purchase the goods or services and that a person selling or offering for sale goods or services at retail shall accept legal tender when offered by the buyer as payment to not apply to business entities that employ five or fewer employees.
Fiscal Note: (Dated January 26, 2022) NOT SIGNIFICANT
Senate Status: 01/27/22 - Referred to Senate Commerce & Labor Committee.
House Status: 02/16/22 - Failed in House Banking & Consumer Affairs Subcommittee after adopting amendment 1 (013416).

SB1859/HB1999 **PROFESSIONS & LICENSURE: Accessible Prescription Labels Act.**

Sponsors: Sen. Massey, Becky , Rep. Jernigan, Darren
Summary: Requires pharmacies offer accessible prescription labels to patients identifying as blind, visually impaired, or otherwise print disabled. Declares options of audible label readers, large print, or Braille be offered to patients depending on their needs and at no extra cost.
Fiscal Note: (February 19, 2022) Increase State Expenditures - \$332,600/FY22-23 and Subsequent Years Increase Federal Expenditures - \$515,500/FY22-23 and Subsequent Years Increase Local Expenditures - \$4,700/FY22-23 and Subsequent Years*
Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB1902/HB2849 PROFESSIONS & LICENSURE: Issuance of short-term visitor clinical training license.

Sponsors: Sen. Briggs, Richard , Rep. Kumar, Sabi
Summary: Allows the board of medical examiners to issue to an eligible physician or medical graduate from a foreign country or foreign territory a short-term visitor clinical training license as a limited and temporary license to practice medicine in this state for a period of time not to exceed 90 days. Broadly captioned.
Amendment: Senate Health & Welfare Committee amendment 1 (013746) allows for the Board of Medical Examiners and the Board of Osteopathic Examination to short-term visitor clinical training licenses to eligible foreign physicians or medical graduates for up to 90 days.
Fiscal Note: (Dated February 12, 2022) Increase State Revenue \$104,400/FY22-23 and Subsequent Years/ Board of Medical Examiners \$26,100/FY22-23 and Subsequent Years/ Board of Osteopathic Examination Pursuant to Tenn. Code Ann. 4-29-121, all health-related boards are required to be self-supporting over a two-year period. The Board of Medical Examiners had a surplus of \$180,872 in FY19-20, a surplus of \$937,379 in FY20-21, and a cumulative reserve balance of \$2,647,324 on June 30, 2021. The Board of Osteopathic Examination had a surplus of \$130,275 in FY19-20, a surplus of \$146,215 in FY20-21, and a cumulative reserve balance of \$1,222,748 on June 30, 2021.
Senate Status: 02/16/22 - Senate Health & Welfare Committee recommended with amendment 1 (013746). Sent to Senate Finance.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB1905/HB1980 HEALTH CARE: Timeframe for healthcare facility to report abuse to department of health.

Sponsors: Sen. Briggs, Richard , Rep. Alexander, Rebecca
Summary: Reduces from seven business days to five calendar days the period of time that begins upon a healthcare facility discovering that an incident of abuse, neglect, or misappropriation has occurred at a facility, within which the facility must report the incident to the department of health. Broadly captioned.
Fiscal Note: (Dated January 26, 2022) NOT SIGNIFICANT
Senate Status: 01/27/22 - Referred to Senate Health & Welfare Committee.
House Status: 01/27/22 - Caption bill held on House clerk's desk.

SB1938/HB1953 CRIMINAL LAW: Adds Tianeptine to the list of Schedule II controlled substances.

Sponsors: Sen. Bowling, Janice , Rep. Sherrell, Paul
Summary: Adds Tianeptine to the list of Schedule II controlled substances.
Fiscal Note: (Dated February 7, 2022) Increase State Expenditures \$95,900 Incarceration
Senate Status: 01/27/22 - Referred to Senate Judiciary Committee.
House Status: 02/09/22 - Referred to House Criminal Justice Subcommittee.

SB1997/HB2043 CRIMINAL LAW: Schedule II controlled substance - tianeptine.

Sponsors: Sen. Bell, Mike , Rep. Cochran, Mark
Summary: Makes tianeptine and any salt, sulfate, free acid, or other preparation of tianeptine, and any salt, sulfate, free acid, compound, derivative, or precursor that is substantially chemically equivalent or identical with tianeptine, a Schedule II controlled substance.
Fiscal Note: (Dated February 15, 2022) Increase State Expenditures - \$95,900 Incarceration
Senate Status: 02/02/22 - Referred to Senate Judiciary Committee.
House Status: 03/02/22 - Set for House Criminal Justice Subcommittee 03/09/22.

SB2009/HB2073 COVID-19: Entertainment venues - proof of vaccination for COVID-19.

Sponsors: Sen. Bell, Mike , Rep. Cochran, Mark
Summary: Prohibits a place of entertainment receiving state funds or a political subdivision from requesting patrons to show proof of COVID-19 vaccination and denying entry without proof.
Fiscal Note: (Dated January 31, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 03/02/22 - Set for House Business & Utilities Subcommittee 03/09/22.

SB2025/HB2311 CRIMINAL LAW: Creates an offense of requiring another to receive a COVID-19 vaccination.

Sponsors: Sen. Hensley, Joey , Rep. Griffey, Bruce
Summary: Creates an offense for when a person or entity intentionally requires another person to receive a COVID-19 vaccination or provide proof of COVID-19 vaccination as a condition of employment or to enter any building, facility, or property that is generally open to the public. Permits this requirement as a condition for entry into a hospital or facility used for healthcare treatment of a person who has been designated as being at high risk of death from exposure to a communicable disease. Lists the first violation as a Class C misdemeanor, the second violation as a Class B misdemeanor and a fine of no less than one thousand dollars, and the third violation as a Class A misdemeanor and a fine of no less than two thousand five hundred dollars.
Fiscal Note: (Dated February 8, 2022) NOT SIGNIFICANT
Senate Status: 02/02/22 - Referred to Senate Judiciary Committee.
House Status: 03/02/22 - Set for House Business & Utilities Subcommittee 03/09/22.

SB2037/HB2259 HEALTH CARE: Prescriptions for Schedule II controlled substances.

Sponsors: Sen. Gilmore, Brenda , Rep. Harris, Torrey
Summary: Requires any practitioner authorized to issue a prescription for a Schedule II control substance or other prescription opioid pain reliever to discuss with the patient the risks associated with the drug, including the risk of overdose or addiction, the dangers of mixing medication with other drugs and alcohol, the medical reason for the prescription and any alternative medications available. The requirement does not apply to patients who are currently treating for cancer, are receiving hospice, palliative or long-term care or who are being prescribed a medication as treatment for substance abuse or opioid dependence. Requires the practitioner to document the patient's medical record that the patient or their parent or guardian has been counseled on the risks associated with controlled substances.
Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2072/HB2192 HEALTH CARE: Legislation proposals provided by medical cannabis commission.

Sponsors: Sen. Watson, Bo , Rep. Terry, Bryan
Summary: Requires the medical cannabis commission to provide updated recommendations and proposed legislation by January 1st 2023 in order to establish a medical cannabis program. Details required information to be included in recommendations and proposals.
Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT
Senate Status: 02/02/22 - Referred to Senate Judiciary Committee.
House Status: 02/07/22 - Referred to House Health Subcommittee.

SB2097 INSURANCE HEALTH: Coverage for monoclonal antibody infusions and budesonide treatment.

Sponsors: Sen. Pody, Mark ,
Summary: Requires certain insurers with policies or contracts that provide coverage for Veklury (remdesivir) to also provide coverage for monoclonal antibody infusions and budesonide treatment at a cost to the insured no greater than the cost of Veklury (remdesivir) to the insured on or after July 1, 2022. Broadly captioned.
Senate Status: 02/03/22 - Referred to Senate Commerce & Labor Committee.

SB2141/HB2216 HEALTH CARE: Changes to the prescription drug donation repository program.

Sponsors: Sen. Reeves, Shane , Rep. Sparks, Mike
Summary: Revises provisions relating to the prescription drug donation repository program under which a person may donate prescription drugs and supplies for use by an eligible individual. Transfers control of the program from the department of health to the board of pharmacy.
Senate Status: 02/03/22 - Referred to Senate Commerce & Labor Committee.
House Status: 02/07/22 - Referred to House Health Subcommittee.

SB2165/HB2414 LOCAL GOVERNMENT: Requesting medical information covered by HIPAA from a self-funded plan of insurance.

Sponsors: Sen. Watson, Bo , Rep. Smith, Robin
Summary: Clarifies when a public or private covered entity must comply with a request or subpoena for information, Requires the party seeking protected health information to provide to the covered entity a written and notarized statement and accompanying documentation indicating that efforts have been made to ensure that the individual who is the subject of the information requested has been notified of the request, or secure a qualified protective order for the information.
Amendment Senate State & Local Government Committee amendment 1, House amendment 1 (013612) authorizes a local government entity to opt out of the requirements of this bill upon passage of a resolution by a simple majority vote of the entity's governing body.
Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT
Senate Status: 03/03/22 - Set for Senate Floor 03/07/22.
House Status: 02/28/22 - House passed with amendment 1 (013612).

SB2188/HB2746 HEALTH CARE: Ivermectin to be sold as an over-the-counter medication.

Sponsors: Sen. Niceley, Frank , Rep. Towns Jr., Joe
Summary: Permits ivermectin suitable for human consumption to be sold and purchased as an over-the-counter medication, not requiring a prescription. Broadly captioned.
Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT.
Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2208/HB2464 INSURANCE GENERAL: Reporting requirements for commissioner of commerce and insurance.

Sponsors: Sen. Swann, Art , Rep. Calfee, Kent
Summary: Removes provision requiring the commissioner of commerce and insurance to conduct a study due no later than March 1, 2012. Broadly captioned.
Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 02/03/22 - Caption bill held on House clerk's desk.

SB2234 HEALTH CARE: Availability of healthcare personnel in healthcare facilities during a healthcare staffing crisis.

Sponsors: Sen. Jackson, Ed ,
Summary: Authorizes the commissioner of health and the commissioner of mental health and substance abuse services to allow certain rules to not be applied to certain healthcare professionals and students in order for those persons to operate outside of normal licensure requirements during a healthcare staffing crisis; requires certain notice to governor and speakers of the senate and house of representatives and the commissioner may impose geographic and time limitations on the measures authorized by this section but shall not extend the measures for longer than 180 days, unless the commissioner provides an additional finding addressed to the governor and the speakers of the senate and house of representatives that a healthcare staffing crisis still exists.
Senate Status: 02/03/22 - Referred to Senate Health & Welfare Committee.

SB2235 HEALTH CARE: Availability of healthcare personnel in healthcare facilities.

Sponsors: Sen. Jackson, Ed ,
Summary: Authorizes the commissioner of health and the commissioner of mental health and substance abuse services to allow certain rules to not be applied to certain healthcare professionals and students in order for those persons to operate outside of normal licensure requirements. Authorizes the department of health and department of mental health and substance abuse services to promulgate rules to effectuate the purposes of this act.
Senate Status: 02/02/22 - Withdrawn in Senate.

SB2285/HB1749 GOVERNMENT REGULATION: Contested case hearings - interpretation of state statutes.

Sponsors: Sen. Bell, Mike , Rep. Ragan, John
Summary: Prohibits a court, administrative judge, or hearing officer presiding over a contested case hearing or appeal from deferring to a state agency's interpretation of a state statute or rule and instead requires the court, administrative judge, or hearing officer to interpret the meaning of the statute or rule de novo. Requires, in an action brought by or against a state agency, that the court, administrative judge, or hearing officer, after applying all customary tools of interpretation, exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.
Fiscal Note: (Dated January 18, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Government Operations Committee 03/09/22.
House Status: 03/02/22 - Set for House Department & Agencies Subcommittee 03/08/22.

SB2322/HB2662 PROFESSIONS & LICENSURE: Requirements for executive director of board of pharmacy.

Sponsors: Sen. Haile, Ferrell , Rep. Sexton, Cameron
Summary: Decreases the number of years a pharmacist must be licensed in this state to be employed by the board of pharmacy as the executive director from five years to four years. Broadly captioned.
Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2357/HB2493 EDUCATION: Mental and behavioral health screenings for all students in kindergarten through eighth grade.

Sponsors: Sen. Gilmore, Brenda , Rep. Clemmons, John
Summary: Requires the department of education to direct each local school board to develop a plan to conduct mental health screenings and behavioral health screenings, to assess effects of COVID-19 pandemic, on each student in grades K-8 during the 2022-2023 school year. Broadly captioned.
Senate Status: 02/03/22 - Referred to Senate Education Committee.
House Status: 02/07/22 - Referred to House K-12 Subcommittee.

SB2366/HB2469 TENNCARE: TennCare foundation report on usage of funds.

Sponsors: Sen. Briggs, Richard , Rep. Baum, Charlie
Summary: Changes, from October 1 to September 1, the date upon which the TennCare foundation must report in writing to the governor, the health and welfare committee and commerce and labor committee of the senate, and the health committee and insurance committee of the house of representatives regarding how funds allocated to the foundation were spent during the previous fiscal year. Broadly captioned.
Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT
Senate Status: 02/03/22 - Referred to Senate Health & Welfare Committee.
House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

SB2421/HB2171 HEALTH CARE: Makes various changes to the controlled substance monitoring database.

Sponsors: Sen. Johnson, Jack , Rep. Lamberth, William

Summary: Makes various changes to the controlled substance monitoring database dealing with patient reports and release of confidential information regarding healthcare practitioners, healthcare practitioner delegates, or patients. Part of Administration Package.

Fiscal Note: TENNESSEE GENERAL ASSEMBLY FISCAL REVIEW COMMITTEE FISCAL NOTE HB 2171 - SB 2421 March 3, 2022 SUMMARY OF BILL: Makes various changes to the reporting requirements of the Controlled Substance Monitoring Database (CSMD). Requires reporting by any entity registered by the U.S. Drug Enforcement Administration (DEA) as a narcotic treatment program and subject to the record keeping provisions of the 21CFR 1304.24, relative to records for maintenance treatment programs, mobile narcotic treatment programs, and detoxification treatment programs. Requires reporting to the CSMD of any drug dispensed by a facility in which the quantity dispensed or distributed is limited to an amount that is adequate to treat the patient for a maximum of 48 hours. Requires any healthcare practitioner whose practice is a Part 2 program to report any dispensing of controlled substances. Such requirement will be enforced upon the Commissioner of the Department of Health (DOH) promulgating rules regulating the reporting of such dispensing and access to the reported information that complies with the confidentiality provisions of 42CFR Part 2. Specifies that the Controlled Substance Monitoring Database Committees (Committee) or Commissioner of the DOHs review of 42 CFR Part 2 information in the database is subject to the privacy protections of 42 CFR Part 2. Removes current Committee or DHS notification requirements to an entity that has committed a violation and their request for information as a precursor to an investigation into said violation. Requires the DOH, in consultation with the Committee, to effectively enforce rules that ensure compliance with 42 CFR Part 2 regarding information reported to the database by a Part 2 program. Further establishes confidentiality of information and record requirements of any patient's medical records which contains Part 2 information from the database. FISCAL IMPACT: NOT SIGNIFICANT HB 2171 - SB 2421

Senate Status: 03/02/22 - Set for Senate Judiciary Committee 03/08/22.

House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2446/HB2131 **PROFESSIONS & LICENSURE: Permits pharmacy technicians to perform tasks delegated by a pharmacist.**

Sponsors: Sen. Haile, Ferrell , Rep. Marsh, Pat

Summary: Allows pharmacy technicians to complete tasks delegated to them by a pharmacist including participation in drug, dietary supplement and device selection, storage, and distribution and administration. Adds that tasks must fall under technicians' education and experience level. Broadly captioned.

Fiscal Note: (Dated February 8, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.

House Status: 03/04/22 - Set for House Consent 03/07/22.

SB2452/HB2624 **HEALTH CARE: Pharmacy - annual report comparing price level determinations.**

Sponsors: Sen. Haile, Ferrell , Rep. Baum, Charlie

Summary: Changes the date by which the commissioner of health must annually prepare a report comparing price level determinations under the Third-Party Prescription Program Act from January 31 to March 1. Broadly captioned.

Fiscal Note: (Dated February 3, 2022) NOT SIGNIFICANT

Senate Status: 02/07/22 - Referred to Senate Health & Welfare Committee.

House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2456/HB2320 **INSURANCE HEALTH: Notice to pharmacist or pharmacy regarding initial on-site audit.**

Sponsors: Sen. Reeves, Shane , Rep. Helton, Esther

Summary: Extends from two weeks to 30 days the period of time a pharmacist or pharmacy must be provided written notice prior to a covered entity, pharmacy benefits manager, the state or a political subdivision of the state, or a party representing such entity begins an initial on-site audit for an audit cycle. Broadly captioned.

Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.

House Status: 02/03/22 - Caption bill held on House clerk's desk.

SB2457/HB2660 **GOVERNMENT REGULATION: UAPA - rules regarding pharmacy benefit managers.**

Sponsors: Sen. Reeves, Shane , Rep. Sexton, Cameron

Summary: Authorizes the department of commerce and insurance to promulgate rules regarding pharmacy benefits managers. Broadly captioned.

Amendment: House Government Operations Committee amendment 1 (013680) authorizes the Commissioner of Commerce and Insurance (DCI) to promulgate rules to effectuate the purposes of policies regarding pharmacy benefits and pharmacy benefits managers (PBMs). Requires the rules to implement audits, provide for additional requirements of PBMs, implement a complaint and administrative hearing process. Authorizes the Commissioner to charge a fee to be paid by PBMs for costs associated with administering compliance of the rules including the auditing of a PBM.

Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Government Operations Committee 03/09/22.

House Status: 03/02/22 - Set for House Finance, Ways & Means Subcommittee 03/09/22.

SB2458/HB2661 **INSURANCE HEALTH: Appeal by pharmacy of cost of particular drug or device on maximum allowable cost list.**

Sponsors: Sen. Reeves, Shane , Rep. Sexton, Cameron

Summary: Increases from three to four business days the amount of time a pharmacy benefits manager or covered entity has to adjust the maximum allowable cost of a drug or medical product or device to which the maximum allowable cost applies for all similar pharmacies in the network for claims submitted in the next payment cycle after an appealing pharmacy's appeal is determined to be valid by the pharmacy benefits manager or covered entity. Broadly captioned.

Amendment: House Insurance Subcommittee amendment 1 (014488) deletes the language after the enacting clause and substitutes with revised definitions regarding healthcare providers. Requires that lists of pharmaceutical products are not by maximum price and must allow a reasonable appeal procedure to challenge the maximum costs to provide reimbursement. Provides different ways to properly conduct a reimbursement. Allows claims to no be denied except for specific violations.

Fiscal Note: (Dated February 3, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.

House Status: 03/02/22 - Set for House Insurance Committee 03/08/22.

SB2459/HB2233 **TENNCARE: Annual report to general assembly regarding pharmacy benefits.**

Sponsors: Sen. Reeves, Shane , Rep. Helton, Esther

Summary: Changes the date from January 15 to February 1 of each calendar year for TennCare to annually report on pharmacy benefits under the medical assistance program. Requires the report to specifically cover the use and cost of opioids and other controlled substances in the program. Broadly captioned.

Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.

House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

SB2460/HB2191 **PROFESSIONS & LICENSURE: Revocation of meeting requirement for polysomnographic professional standards committee.**

Sponsors: Sen. Reeves, Shane , Rep. Terry, Bryan

Summary: Removes an outdated requirement for the polysomnography professional standards committee to conduct at least one meeting in each of the years 2007-2010 to allow public discussion of new developments in the practice of polysomnography. Broadly captioned.

Fiscal Note: (Dated February 1, 2022) NOT SIGNIFICANT

Senate Status: 02/07/22 - Referred to Senate Health & Welfare Committee.

House Status: 02/03/22 - Caption bill held on House clerk's desk.

SB2461/HB2879 **INSURANCE GENERAL: Insurance licensee complaints process.**

Sponsors: Sen. Reeves, Shane , Rep. Rudder, Iris
Summary: Reduces from 30 to 15 days, the amount of time that an entity or individual licensed under the insurance laws of this state has to respond to a request by the department of commerce and insurance concerning a complaint filed against the entity or individual, unless another time period is provided in law.
Fiscal Note: (Dated February 3, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

SB2465/HB2228 **HEALTH CARE: Prescription for naloxone hydrochloride.**

Sponsors: Sen. Reeves, Shane , Rep. Ramsey, Bob
Summary: Requires a health care prescriber to prescribe naloxone hydrochloride, or another drug approved for the complete or partial reversal of an opioid overdose, when a patient receives a prescription for an opioid medication. Exempts palliative care patients and specifies conditions that apply. Failure by a prescriber to comply could result in penalty. Broadly captioned.
Fiscal Note: TENNESSEE GENERAL ASSEMBLY FISCAL REVIEW COMMITTEE FISCAL NOTE HB 2228 - SB 2465 February 27, 2022SUMMARY OF BILL: Requires a healthcare prescriber to offer a prescription for naloxone hydrochloride, or a similar FDA approved drug, to a patient who is prescribed an opioid and that meets certain criteria. States that a prescriber who fails to offer the prescription is subject to administrative sanctions. Excludes individuals whose opioid prescription is part of their palliative care treatment.FISCAL IMPACT: Increase State Expenditures \$21,500/FY22-23 and Subsequent Years Increase Federal Expenditures \$42,100/FY22-23 and Subsequent Years
Senate Status: 02/07/22 - Referred to Senate Health & Welfare Committee.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2474/HB2501 **LABOR LAW: Prohibits discrimination based on a person's vaccination status for COVID-19.**

Sponsors: Sen. Bowling, Janice , Rep. Rudd, Tim
Summary: Prohibits employers or other specified places of public accommodation to discriminate or refuse service based on a person's COVID-19 vaccination status or possession of a vaccine passport. Does not apply to nursing home facilities or contest laws in place for school children. Violations can receive a fine of \$5,000.
Fiscal Note: (Dated February 16, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.
House Status: 03/02/22 - Set for House Civil Justice Subcommittee 03/08/22.

SB2532/HB2641 **HEALTH CARE: Establishes a medical cannabis program.**

Sponsors: Sen. Haile, Ferrell , Rep. Terry, Bryan
Summary: Establishes a medical cannabis program under the purview of the medical cannabis commission. Establishes a patient registry for qualified patients. Specifies that the patient registry must be accessible to law enforcement agencies and qualified physicians to verify the authorization of a qualified patient or a designated caregiver to possess medical cannabis. Specifies that a qualified patient or designated caregiver in actual possession of a qualified patient identification card or designated caregiver identification card shall not be subject to arrest, prosecution, or penalty for the medical use of cannabis if the qualified patient or designated caregiver possesses an amount of cannabis less than or equal to the following three grams of concentrated product or 3,000 milligrams of infused products. Redefines the term "marijuana" to exclude products containing less than 0.9 percent delta-9 tetrahydrocannabinol (27 pp.).
Senate Status: 02/07/22 - Referred to Senate Judiciary Committee.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2555/HB2376 **MENTAL HEALTH: Annual report on medication-assisted treatment for opiate addiction.**

Sponsors: Sen. Jackson, Ed , Rep. Littleton, Mary
Summary: Requires the department of mental health and substance abuse to submit an annual report of data related to the use of medication-assisted treatment for opiate addiction, specifically its utilization in recovery courts, jails, safe baby courts and the TennCare program. Further requires that any treatment funded by grant dollars, direct or indirect appropriations and federal, state or local expenditures be reported. Requires the report be submitted annually by December 31.
Fiscal Note: TENNESSEE GENERAL ASSEMBLY FISCAL REVIEW COMMITTEE FISCAL NOTE HB 2376 - SB 2555 March 3, 2022SUMMARY OF BILL: Requires the Department of Mental Health and Substance Abuse Services (DMHSAS) to submit a report to the Tennessee General Assembly by December 31 of each year of specified data collected related to the use of medication-assisted treatment for opiate addiction by providers in Tennessee.FISCAL IMPACT: NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2556/HB2158 **HEALTH CARE: Reduces various restrictions on the provision of opioid antagonists.**

Sponsors: Sen. Jackson, Ed , Rep. Whitson, Sam
Summary: Removes certain restrictions on opioid antagonists. Provides protections for those administering an opioid antagonist. Broadly captioned.
Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT
Senate Status: 02/07/22 - Referred to Senate Health & Welfare Committee.
House Status: 02/07/22 - Referred to House Health Subcommittee.

SB2572/HB2465 **HEALTH CARE: Use of opioid antagonists for drug-related overdoses.**

Sponsors: Sen. Crowe, Rusty , Rep. Leatherwood, Tom
Summary: Authorizes a healthcare prescriber to prescribe an opioid antagonist for purposes related to the potential for drug-related overdose, not just opioid-related overdose. Redefines "opioid antagonist" to mean a formulation of naloxone hydrochloride or another similarly acting and equally safe drug approved by the United States Food and Drug Administration for the treatment of a drug-related overdose. Allows certain government and non-governmental entities to prescribe and store an opioid antagonist for the purpose of providing the antagonist to a person at-risk of overdose or likely to assist a person experiencing overdose. Specifies if an organization, municipal entity, or county entity does not have access to a healthcare practitioner to issue a standing order for a prescription for an opioid antagonist then the state medical director in the department of health may issue a standing order to such entity.
Amendment Summary: Senate amendment 1, House Health Committee amendment 1 (013823) authorizes healthcare prescribers to prescribe an opioid antagonist or similarly acting drug to an organization, or municipal or county entity that may be in a position to assist an individual at risk of experiencing a drug-related overdose. Expands the definitions of a drug-related overdose and opioid antagonist. Deletes provision requiring a health care prescriber establish good faith for prescribing a drug antagonist by requiring a written communication from the person to whom the prescription is issued. Specifies civil immunity for persons administering an antagonist.
Fiscal Note: (Dated February 11, 2022) NOT SIGNIFICANT
Senate Status: 02/28/22 - Senate passed with amendment 1 (013823).
House Status: 03/03/22 - Set for House Floor on 03/10/22.

SB2621/HB2506 **HEALTH CARE: Prescribing of ivermectin.**

Sponsors: Sen. Niceley, Frank , Rep. Lynn, Susan
Summary: Allows a properly licensed physician or physician assistant, or advanced practice registered nurse exercising reasonable care to prescribe ivermectin by standing order. Regards prescription ordered under an ivermectin standing order as part of a legitimate, law-abiding medical practice. Broadly captioned.
Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT
Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.
House Status: 03/02/22 - Set for House Health Subcommittee 03/08/22.

SB2630/HB2744 **PROFESSIONS & LICENSURE: Tennessee Pharmacy Act.**

Sponsors: Sen. Niceley, Frank , Rep. Towns Jr., Joe

Summary: Enacts the "Tennessee Pharmacy Act," which requires a pharmacy to dispense ivermectin or hydroxychloroquine to an individual with a valid prescription from a healthcare provider with prescribing authority for ivermectin or hydroxychloroquine. Prohibits a health-related board from suspending, denying, revoking, or otherwise taking disciplinary action against a healthcare provider with prescribing authority for the prescribing of ivermectin or hydroxychloroquine. Also prohibits such action against a licensed pharmacist for dispensing or failing or refusing to dispense ivermectin or hydroxychloroquine.

Fiscal Note: (Dated February 24, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.

House Status: 02/08/22 - Referred to House Health Subcommittee.

SB2647/HB2625 TENNCARE: Report on usage of data from the all payer claims database.

Sponsors: Sen. Gardenhire, Todd , Rep. Baum, Charlie

Summary: Changes from January 15 to February 15 the date by which the bureau must submit an annual report to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives that describes the nature and purpose of any requests to utilize data from the all payer claims database submitted to the bureau or the health information committee. Broadly captioned.

Fiscal Note: (Dated February 3, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Health & Welfare Committee 03/09/22.

House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

SB2786/HB2068 COVID-19: Private businesses prohibited from requiring COVID-19 vaccination for only a specific group.

Sponsors: Sen. Bowling, Janice , Rep. Hulsey, Bud

Summary: Requires private businesses who require COVID-19 vaccinations for a specific group of people to require COVID-19 vaccinations to all employees, irrespective of vaccination or booster status. Defines "private business" as a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization that is exempt from federal income tax, or other non-government entities engaged in business or commerce.

Amendment House Banking & Consumer Affairs Subcommittee amendment 1 (013917) clarifies the definition of "private business." Specifies that a private business does not mean a

Summary: healthcare facility licensed under Title 68 or Title 33. Prohibits a private business requiring a COVID-19 test for an individual from charging the individual. Allows the private business to seek reimbursement from sources excluding the tested individual.

Fiscal Note: (Dated February 10, 2022) NOT SIGNIFICANT

Senate Status: 02/07/22 - Referred to Senate Commerce & Labor Committee.

House Status: 02/23/22 - Taken off notice in House Banking & Consumer Affairs Subcommittee after adopting amendment 1 (013917).

SB2826/HB2462 INSURANCE HEALTH: Fine for failure to obtain or renew licensure for a pharmacy benefits manager.

Sponsors: Sen. Swann, Art , Rep. Rudder, Iris

Summary: Increases the minimum fine from \$100 to \$200, for failure to renew a pharmacy benefits manager license while continuing to do the job. Broadly captioned.

Senate Status: 02/07/22 - Referred to Senate Commerce & Labor Committee.

House Status: 02/03/22 - Caption bill held on House clerk's desk.

SB2844/HB2351 INSURANCE HEALTH: Destruction of shared information by pharmacy.

Sponsors: Sen. Bailey, Paul , Rep. Hall, Mark

Summary: Requires a pharmacy services administrative organization or similar entity to destroy the information shared with contracted pharmacy within 5 business days of receipt. Broadly captioned.

Fiscal Note: (Dated February 23, 2022) NOT SIGNIFICANT

Senate Status: 03/02/22 - Set for Senate Commerce & Labor Committee 03/08/22.

House Status: 03/02/22 - Set for House Insurance Subcommittee 03/08/22.

HB1758 HEALTH CARE: Medical treatment to minors without parental consent prohibited.

Sponsors: Rep. Ragan, John

Summary: Prohibits a healthcare provider from providing medical treatment to a minors without receiving prior consent to that treatment from a parent or legal guardian. Provides exceptions for minors seeking treatment from healthcare providers, including instances when the minor's need for medical treatment is due to abuse or neglect.

House Status: 02/02/22 - Withdrawn in House.