

Amendment No. 1 to HB2228

Terry
Signature of Sponsor

AMEND Senate Bill No. 2465

House Bill No. 2228*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-11-308, is amended by adding the following as a new subsection (i):

(1) Notwithstanding another law, and except as otherwise provided in subdivision (i)(2), when prescribing an opioid to a patient, a healthcare prescriber shall offer a prescription for an opioid antagonist, or another drug approved by the United States food and drug administration for the complete or partial reversal of an opioid overdose event, to the patient when one (1) or more of the following conditions are present in accordance with the federal centers for disease control and prevention opioid-prescribing guidelines setting forth treatment of a known or suspected opioid overdose:

(A) The healthcare provider prescribes more than a three-day supply of an opioid medication; and

(B)

(i) The healthcare provider prescribes an opioid medication concurrently with a prescription by the same provider for benzodiazepine; or

(ii) The patient presents with an increased risk for overdose, including a history of overdose, a history of substance use disorder, or being at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant.

(2) Subdivision (i)(1) does not apply to:

(A) An opioid prescription that is written as part of a patient's palliative care treatment. As used in this subdivision (i)(2)(A), "palliative care" has the same meaning as defined in § 63-1-164; or

(B) An opioid prescription that is written by a licensed veterinarian, as defined in § 63-12-103.

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding the following as a new section:

This chapter does not create a private right of action.

SECTION 3. Tennessee Code Annotated, Section 53-11-401, is amended by deleting subdivision (b)(1) and substituting:

A violation of this section is a Class D felony; provided, however, a healthcare provider who fails to make a report required by § 53-11-309 shall not be guilty of a felony and shall be punishable only by the sanctions set forth in subdivision (a)(3); and provided, further, that a person who fails to comply with § 53-11-308(h) or § 53-11-308(i) is not guilty of a felony and shall be punishable only by a civil penalty assessed by the provider's licensing board and only in cases involving a pattern of willful failure to comply.

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it, and applies to opioid prescriptions issued on or after that date.