



HOUSE BILL 2101

By Faison

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to drugs.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-431(c)(4), is amended by deleting the subdivision and substituting:

(4) This subsection (c) also applies to pharmacist-generated prescription orders of the product pursuant to § 63-10-206.

SECTION 2. Tennessee Code Annotated, Section 39-17-431(d), is amended by deleting the following:

The pharmacist or pharmacy intern shall counsel with the person seeking to purchase the product as to the reasons for needing the product and may decline the sale if the pharmacist or pharmacy intern believes the sale is not for a legitimate medical purpose.

SECTION 3. Tennessee Code Annotated, Section 39-17-431(e), is amended by deleting the subsection and substituting:

(1) By January 1, 2012, each pharmacy in this state shall have in place and operational all equipment necessary to access and use the electronic sales tracking system. The electronic sales tracking system shall be available for access and use free of charge to the pharmacies and this state.

(2) Beginning January 1, 2012, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded from the record keeping requirement, a pharmacy shall electronically submit the required information to the electronic sales tracking system. On learning of a data entry error in which a transaction was submitted to the electronic sales tracking system when it should

not have been, the pharmacy shall submit a data entry error correction to the administrator of the electronic sales tracking system to remedy the error and prevent an inappropriate stop sale alert from being generated for a person who may seek to purchase an over-the-counter product containing pseudoephedrine or ephedrine. Except as provided in subsection (j), the seller shall not complete the sale if the system generates a stop sale alert.

(3) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the electronic sales tracking system in accordance with this subsection (e) shall not be civilly liable as a result of any act or omission in carrying out the duties required by this subsection (e) and shall be immune from liability to any third party unless the retailer has violated this subsection (e) in relation to a claim brought for such violation. This subsection (e) shall not apply to a person who obtains the product or products pursuant to a valid prescription.

(4) The data entered into, stored, and maintained by the electronic sales tracking system may only be used by law enforcement officials, healthcare professionals, and pharmacists and only for controlling the sale of methamphetamine precursors.

(5) If, for any reason, the electronic sales tracking system is no longer the system used in this state to track the sale of methamphetamine precursors, whether because the system no longer functions, is no longer in existence, is no longer offered to the state without cost, or is otherwise no longer available, each pharmacy shall switch to and commence using the Tennessee Methamphetamine Information System (TMIS), as soon as the equipment necessary to access and use the system is made available at no charge to the pharmacy. TMIS shall be available for access and use free of charge to the pharmacies.

(6)

(A) As of January 1, 2027, any manufacturer of an ephedrine or pseudoephedrine product that is sold in or into this state must, on a monthly basis, pay fees to the administrator of the electronic sales tracking system.

(B) On an annual basis, the administrator of the electronic sales tracking system shall establish the fee levels required under subdivision (e)(6)(A). In setting such fees, the administrator of the electronic sales tracking system is prohibited from increasing fees on a year-over-year basis by an amount equal to or in excess of ten percent (10%), unless the administrator of the electronic sales tracking system can show that the increase is directly attributable to cost factors to the administrator of the electronic sales tracking system, including costs for labor, services, or materials used to administer the electronic sales tracking system.

SECTION 4. Tennessee Code Annotated, Section 39-17-431(i), is amended by deleting the language "NPLeX" wherever it appears and substituting "electronic sales tracking system" and by deleting the language "NADDI" wherever it appears and substituting "the administrator of the electronic sales tracking system".

SECTION 5. Tennessee Code Annotated, Section 39-17-431(j)(1), is amended by deleting the language "NPLeX" and substituting "The electronic sales tracking system".

SECTION 6. Tennessee Code Annotated, Section 39-17-431(j)(2), is amended by deleting the language "NPLeX" wherever it appears and substituting "electronic sales tracking system".

SECTION 7. Tennessee Code Annotated, Section 39-17-431(l), is amended by deleting subdivisions (l)(1) and (2) and substituting:

(1) The TBI, in cooperation with the administrator of the electronic sales tracking system, shall devise a method to electronically notify the administrator at least every

seven (7) days of any person placed on the methamphetamine registry pursuant to § 39-17-436(b). The notification shall include the first, middle, and last names of the person, the person's date of birth and the person's driver license number or any other state or federal identification number. The electronic sales tracking system shall be designed to generate a stop-sale alert for any purchaser whose name has been submitted to the registry. Such person shall be prohibited from purchasing nonexempt products at the point-of-sale using the electronic sales tracking system.

(2) The bureau shall also notify the administrator of the electronic sales tracking system when a person is removed from the methamphetamine registry pursuant to § 39-17-436(e). When notified, the person shall be removed from the electronic sales tracking system and is permitted to purchase nonexempt products.

SECTION 8. Tennessee Code Annotated, Section 39-17-431(o), is amended by deleting the subsection and substituting:

(o) As used in this section:

(1) "Administrator of the electronic sales tracking system" means the entity responsible for developing, implementing, and maintaining the electronic recordkeeping system;

(2) "Electronic sales tracking system" means the electronic tracking system adopted by this state for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or pseudoephedrine and to prevent or investigate illegal purchases of these products; and

(3) "Pharmacy" means only a pharmacy operating under title 63, chapter 10, which sells any immediate methamphetamine precursor at retail to the public, including through internet sales.

SECTION 9. Tennessee Code Annotated, Section 39-17-431(c), is amended by deleting the language "Forty-three and two-tenths (43.2) grams" wherever it appears and substituting instead "Sixty-one and two tenths grams (61.2 g)".

SECTION 10. This act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 1 to HB2101

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2323

House Bill No. 2101*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-431(c)(4), is amended by deleting the subdivision and substituting:

(4) This subsection (c) also applies to pharmacist-generated prescription orders of the product pursuant to § 63-10-206.

SECTION 2. Tennessee Code Annotated, Section 39-17-431(d), is amended by deleting the following:

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(2) Beginning January 1, 2012, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine not otherwise excluded from the record keeping requirement, a pharmacy must electronically submit the required information to the electronic sales tracking system. On learning of a data entry error in which a transaction was submitted to the electronic sales tracking system when it should

not have been, the pharmacy must submit a data entry error correction to the administrator of the electronic sales tracking system to remedy the error and prevent an inappropriate stop sale alert from being generated for a person who may seek to purchase an over-the-counter product containing pseudoephedrine or ephedrine. Except as provided in subsection (j), the seller shall not complete the sale if the system generates a stop sale alert.

(3) Absent negligence, wantonness, recklessness, or deliberate misconduct, any pharmacy utilizing the electronic sales tracking system in accordance with this subsection (e) is not civilly liable as a result of any act or omission in carrying out the duties required by this subsection (e) and is immune from liability to any third party unless the retailer has violated this subsection (e) in relation to a claim brought for such violation. This subsection (e) does not apply to a person who obtains the product or products pursuant to a valid prescription.

(4) The data entered into, stored, and maintained by the electronic sales tracking system must only be used by law enforcement officials, healthcare professionals, and pharmacists and only for controlling the sale of methamphetamine precursors.

(5) If, for any reason, the electronic sales tracking system is no longer the system used in this state to track the sale of methamphetamine precursors, whether because the system no longer functions, is no longer in existence, is no longer offered to the state without cost, or is otherwise no longer available, each pharmacy must switch to and commence using the Tennessee Methamphetamine Information System (TMIS), as soon as the equipment necessary to access and use the system is made available at no charge to the pharmacy. TMIS must be available for access and use free of charge to the pharmacies.

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(B) On an annual basis, the administrator of the electronic sales tracking system shall establish the fee levels required under subdivision (e)(6)(A). In setting such fees, the administrator of the electronic sales tracking system is prohibited from increasing fees on a year-over-year basis by an amount equal to or in excess of ten percent (10%), unless the administrator of the electronic sales tracking system can show that the increase is directly attributable to cost factors to the administrator of the electronic sales tracking system, including costs for labor, services, or materials used to administer the electronic sales tracking system.

SECTION 4. Tennessee Code Annotated, Section 39-17-431(i), is amended by deleting the language "NPLeX" wherever it appears and substituting "electronic sales tracking system" and by deleting the language "NADDI" wherever it appears and substituting "the administrator of the electronic sales tracking system".

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the person's date of birth and the person's driver license number or any other state or federal identification number. The electronic sales tracking system must be designed to generate a stop-sale alert for any purchaser whose name has been submitted to the registry. Such person is prohibited from purchasing nonexempt products at the point-of-sale using the electronic sales tracking system.

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(2) "Electronic sales tracking system" means the electronic tracking system adopted by this state for the purpose of recording and monitoring the real-time purchase of products containing ephedrine or pseudoephedrine and to prevent or investigate illegal purchases of these products; and

(3) "Pharmacy" means only a pharmacy operating under title 63, chapter 10, which sells any immediate methamphetamine precursor at retail to the public, including through internet sales.

SECTION 9. Tennessee Code Annotated, Section 39-17-431, is amended by adding the following as a new subsection:

(q)

(1) This subsection (q) applies to any seller that completes an online or remote transaction for a product containing pseudoephedrine or ephedrine.

(2) A seller shall not complete an online or remote sale of a product containing pseudoephedrine or ephedrine unless the purchaser provides a government-issued identification.

(3) The seller shall confirm the government-issued identification through an online electronic sales tracking system that confirms:

- (A) The name of the purchaser;
- (B) The government-issued identification number; and
- (C) The residential address listed on the government-issued identification.

(4) Prior to completing the sale, the seller shall submit the transaction to the electronic sales tracking system used in this state to determine whether the purchase would exceed the applicable daily, thirty-day, or yearly limits.

(5) The seller shall not complete the transaction if the electronic sales tracking system indicates that the sale would exceed the applicable limits.

(6) A pseudoephedrine or ephedrine product sold through an online or remote transaction may only be shipped or delivered to the residential address listed on the purchaser's government-issued identification. A pseudoephedrine or ephedrine product must not be delivered to:

- (A) A post office box;
- (B) A commercial mail receiving agency; or
- (C) Any address other than the residential address listed on the purchaser's government-issued identification.

SECTION 10. This act takes effect July 1, 2026, the public welfare requiring it.