

PUBLIC CHAPTER NO. 370**HOUSE BILL NO. 121****By Representatives Lois DeBerry, Favors, Armstrong, Odom****Substituted for: Senate Bill No. 442****By Senator Burchett**

AN ACT to amend Tennessee Code Annotated, Title 53 and Title 63, relative to prescription drugs for epilepsy patients.

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

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 2, is amended by adding the following as a new section:

53-10-210.

(a) As used in this section:

(1) "Anti-epileptic drug" means:

(A) Any drug prescribed for the treatment of epilepsy; or

(B) A drug used to treat or prevent seizures.

(2) "Epilepsy" means a neurological condition characterized by recurrent seizures.

(3) "Seizure" means a brief disturbance in electrical activity of the brain.

(4) "Interchange" means the dispensing of one (1) manufacturer of an anti-epileptic drug for a different manufacturer of an anti-epileptic drug for which the patient is currently receiving therapy. This includes the substitution of a generic version for a brand version, a brand version for a generic version, or a generic version for a generic version by a different manufacturer.

(b) A pharmacist, pharmacy intern or pharmacy technician must provide notification to the patient, a family member, other relative, or a close personal friend of the individual or any other person identified by the patient before interchanging one manufacturer of an anti-epileptic drug for another manufacturer of an anti-epileptic drug in instances where said patient's epilepsy or seizures is currently being controlled on a specific drug, strength, dosage form, and dosing regimen from a specific

manufacturer. The prescriber of said medication must also be notified prior to the interchange.

(c) The provisions of this section shall not apply to prescriptions dispensed for inpatients of a hospital, a nursing home or an assisted care living facility as defined in 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under title 33.

SECTION 2. Tennessee Code Annotated, Section 53-10-204(a), is amended by deleting the word "or" at the end of the subdivision (1); by deleting the punctuation "." at the end of subdivision (2) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(3) The provisions of Section 53-10-210 concerning notification to the patient and the prescriber have not been complied with in instances involving an anti-epileptic drug.

SECTION 3. The general assembly hereby finds, determines and declares this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: May 17, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2007



PHIL BREDESEN, GOVERNOR