

**TENNESSEE****PRODUCTS:**

- Immediate methamphetamine precursors, defined in T. C. A. § 39-17-402 as “Ephedrine (EPH), pseudoephedrine (PSE) or phenylpropanolamine (PPA), or their salts, isomers or salts of isomers, or any drug or other product that contains a detectable quantity of ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers”

**PRODUCT EXEMPTIONS:**

- The Board of Pharmacy in consultation with the Bureau of Investigation has the authority to exempt products which are determined not to be in a form that can be used to manufacture methamphetamine. Any person may request that a product or category be included on the exemption list (T. C. A. § 39-17-431);
- EPH, PSE and PPA products in gel capsule and liquid form are automatically included on the board’s list of exempted products.(T. C. A. § 39-17-431);
- Effective April 29, 2005, otherwise non-exempt products dispensed pursuant to a valid prescription are not subject to the sales limit which takes effect on April 29, 2005. (T. C. A. § 39-17-431)

**SALES LIMITS:**

- Effective April 29, 2005, sales limited to 3 packages of non-exempt products or no more than 9 g of any EPH, PSE or PPA product (weight limit applies to total amount of EPH, PSE or PPA base) per 30 days, unless dispensed pursuant to a valid prescription. (T. C. A. § 39-17-431)

**SALES RESTRICTIONS:**

- Effective March 31, 2005, Products containing EPH, PSE and EPH may only be dispensed in a licensed pharmacy (T. C. A. § 39-17-431);
- The Tennessee Bureau of Investigation, in cooperation with the NADDI which administers the NPLEx, shall devise a method to electronically notify NADDI 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 NPLEx 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 non-exempt products at the point-of-sale using the NPLEx. (T. C. A. § 39-17-431)

**ID REQUIREMENTS:**

- Effective April 29, 2005, a pharmacist or a technician or intern under the pharmacist's supervision must require purchaser of non-exempt products to present a valid government-issued ID at the time of sale. (T. C. A. § 39-17-431)

**RECORDKEEPING REQUIREMENTS:**

- Effective April 29, 2005, a pharmacist or a technician or intern under the pharmacist's supervision must maintain sales records for nonexempt PSE, EPH and PPA products, which may be done in the form of a pharmacist prescription order (T. C. A. § 39-17-431);
- Effective April 29, 2005, if pharmacy opts to maintain records in electronic form, must record purchaser name, name and quantity of product purchased, purchaser ID type and number, and the identity of the dispensing pharmacist, technician or intern (such as the name, initials or ID code). If a system is not able to record the ID type and number, the seller must write the ID type and number on a pharmacist prescription order. The system must be able to allow for determination of the equivalent number of packages purchased and total quantity of base EPH or PSE purchased (T. C. A. § 39-17-431);
- Effective April 29, 2005, pharmacies may as an alternative to electronic records maintain a written register including purchaser name, name of product purchased, purchase date, number of packages purchased, total quantity of base EPH or PSE purchase, purchaser ID type and number, purchaser's signature, and name or initials of the pharmacist, technician or intern. Written registers must be retained for at least one year. (T. C. A. § 39-17-431)
- Tennessee Bureau of Investigation (TBI) created a Methamphetamine Registry (T. C. A. § 39-17-436), which:
- The registry is of persons convicted of a violation of any of the offenses: § 39-17-417 or § 39-17-418 involving any substance listed in § 39-17-408(d)(2), § 39-17-431, § 39-17-433, T. C. A. § 39-17-435, or conspiracy to commit any of the offenses listed.
- Shall be maintained by the TBI and public on the internet
- The registry shall consist of the person's name, date of birth, offense or offenses requiring the person's inclusion on the registry, the conviction date and county of those offenses.
- Provides that the clerk shall provide and the TBI shall collect the person's state identification number or driver license number and such other identifying data as the TBI determines is necessary to properly identify the person.
- Prohibits the registry from including the person's social security number, state ID number, or driver license number.
- Provides that the TBI shall remove from the registry the name and other identifying information of persons who are convicted of a violation of relevant offenses seven years after the date of the most recent conviction.

- Provides that any person convicted of an offense or offenses for which placement on the methamphetamine registry is required shall be prohibited from purchasing a nonexempt product containing any immediate methamphetamine precursor for the entire period such person is required to be on the registry.
- Specifies that the TBI will maintain the methamphetamine registry based on information supplied to the TBI by clerks. Clarifies that the clerks will only be required to provide the TBI with information that is available after reasonable inquiry. Clarifies that official identification numbers of meth offenders may be submitted to the TBI, in lieu of submitting such offenders' driver license numbers to the TBI.

**PRODUCT PLACEMENT:**

- Effective April 29, 2005, nonexempt PSE, EPH and PPA products must be maintained behind the pharmacy counter or in a locked case within view of and 25 feet of the counter. (T. C. A. § 39-17-431)

**PENALTIES:**

- Violations of sales limits, sales restrictions, ID, record, and products placement requirements is a Class A misdemeanor punishable by fine only. Violations of such by a licensed pharmacy or pharmacist must be reported to the Board of Pharmacy for review and appropriate action (T. C. A. § 39-17-431);
- If nonexempt PSE, EPH or PPA products are dispensed outside of a pharmacy, the owner or operator of the wholesale or retail establishment dispensing the products will be determined to be in violation and consequently, guilty of a class A misdemeanor. (T. C. A. § 39-17-431)

**RETAILER LIABILITY EXEMPTION:**

- Possession of more than 20 g of all PSE, EPH and PPA products shall be prima face evidence of intent to manufacture; however, pharmacies or pharmacists, wholesale distributors and manufacturers licensed by the Board of Pharmacy as well as licensed health care professionals are not subject to this provision. (T. C. A. § 39-17-433)

**PREEMPTION:**

- Effective upon enactment, all local laws or ordinances currently regulating the sales of all PSE, EPH and PPA containing products are preempted. (T. C. A. § 39-17-431)