



# State of Tennessee

## PUBLIC CHAPTER NO. 1015

### SENATE BILL NO. 2362

By Crowe, Green, Massey, Haile, Reeves, Bailey, Bowling, Briggs

Substituted for: House Bill No. 2219

By Cameron Sexton, Kumar, Terry, Whitson, Jernigan, Dawn White

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to health care.

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

SECTION 1. Tennessee Code Annotated, Section 33-2-413, is amended by adding the following as a new subsection:

(f) The department shall include in its annual inspection of each hospital licensed under this title a determination of the hospital's compliance with the reporting requirements of § 33-3-117. The hospital must document its compliance with a record of its communication with local law enforcement with respect to the commitments. A hospital's failure to comply with the reporting requirements shall subject the hospital to civil penalties or other action against the hospital's license under § 33-2-407.

SECTION 2. Tennessee Code Annotated, Section 68-11-210, is amended by adding the following as a new subsection:

(f)(1) When inspecting a hospital licensed, under this title, the department shall include in its inspection a determination of the hospital's compliance with the reporting requirements of subdivision (f)(2). The hospital must document its compliance with a record of its communication with local law enforcement with respect to the commitments. A hospital's failure to comply with the reporting requirements shall subject the hospital to civil penalties or other action against the hospital's license under this part.

(2)(A) If a patient is involuntarily committed to inpatient treatment at a hospital licensed under this title, the hospital shall report the service recipient to local law enforcement as soon as practicable, but no later than the third business day following the date of such commitment, who shall report the service recipient to the federal bureau of investigation-NICS Index and the department of safety as soon as practicable, but no later than the third business day following the date of receiving such notification, for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(B) If hospital is required to report pursuant to subdivision (2)(A), the hospital shall report the following information:

- (i) Complete name of the person involuntarily committed;
- (ii) Date involuntary commitment was ordered;
- (iii) Private or state hospital or treatment resource to which the individual was involuntarily committed;
- (iv) Date of birth of the person involuntarily committed;
- (v) Race and sex of the person involuntarily committed; and

(vi) Social security number of the person involuntarily committed.

(C) The information in subdivisions (f)(2)(B)(i)-(vi), the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353, and 39-17-1354.

SECTION 3. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

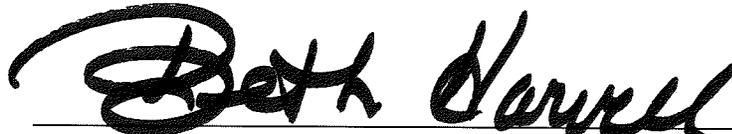
A pharmacy or pharmacist has the right to provide an insured information regarding the amount of the insured's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be penalized by a pharmacy benefits manager for discussing any information described in this section or for selling a lower priced drug to the insured if one is available.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.

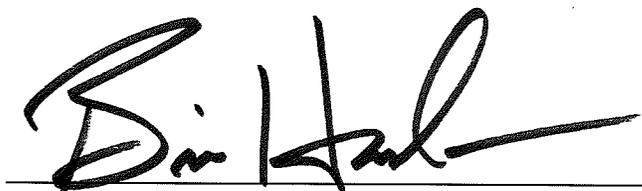
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PASSED: April 24, 2018

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 21<sup>st</sup> day of May 2018

  
BILL HASLAM, GOVERNOR