

Amendment No. \_\_\_\_\_

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Comm. Amdt. _____
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Signature of Sponsor

**AMEND Senate Bill No. 522\***

**House Bill No. 768**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 11, is amended by adding the following as a new part:

**38-11-101.**

This part is known and may be cited as the "Safeguard Against Homicidal Side Effects Act."

**38-11-102.**

(a) The Tennessee bureau of investigation shall create, on or before December 31, 2023, a database containing the name, address, and date of birth of individuals who have filled a prescription of any of the substances listed in subsection (e) within the last six (6) months.

(b)

(1) Prior to prescribing a patient a substance listed in subsection (e), the prescribing healthcare professional shall inform the patient that filling such prescription will cause the patient to be barred from the purchase of a firearm for the duration of the treatment regimen for which the substance was prescribed, or longer. The prescribing healthcare professional shall provide the patient with a written disclosure form on a separate sheet of paper, stating in plain English in a print size not less than eighteen (18) point font that, by signing said document, the patient:



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(A) Understands and agrees to be barred from the purchase of a firearm for at least the duration of the treatment regimen; and

(B) Understands and agrees that information concerning the prescription will be shared with the Tennessee bureau of investigation and that the patient waives the patient's non-disclosure rights under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.) and other federal and state confidentiality laws for purposes of sharing information concerning the prescription with the Tennessee bureau of investigation.

(2) The disclosure form required by subdivision (b)(1) must be dated and have a separate signature line for the patient for each of the two (2) waivers stated in subdivisions (b)(1)(A) and (B).

(c) A pharmacist shall not fill a prescription for a substance listed in subsection (e) without receipt of a copy of a waiver form that meets the requirements of subsection (b) and is signed by the patient on both of the signature lines required by subdivision (b)(2). Upon receipt of a copy of a waiver form and filling a prescription for a substance listed in subsection (e), the pharmacist shall record the date of the filling and the date of the last dose to be taken by the patient according to the prescribing healthcare professional's instructions. The pharmacist shall transmit each record made pursuant to this subsection (c) to the Tennessee bureau of investigation.

(d)

(1) The Tennessee bureau of investigation shall only enter a person into the database created pursuant to subsection (a) upon receipt of a copy of a signed waiver form required under subsection (b) and receipt of a pharmacist's record under subsection (c).

(2) The bureau shall remove a person from the database within thirty (30) days immediately following the passage of six (6) months from the date of the

patient's last dose to be taken, as indicated in the pharmacist's record required by subsection (c).

(e) This part applies to prescriptions for the following:

- (1) Citalopram;
- (2) Fluvoxamine;
- (3) Paroxetine;
- (4) Fluoxetine;
- (5) Sertraline;
- (6) Venlafaxine;
- (7) Mirtazapine;
- (8) Nefazodone;
- (9) Bupropion; and
- (10) Escitalopram.

SECTION 2. Tennessee Code Annotated, Section 39-17-1316(d), is amended by adding the following subdivision:

(3) Notify the dealer if the purchaser is currently listed in the database pursuant to § 38-11-102. If the purchaser is listed in the database, but not otherwise disqualified from purchasing a firearm, the Tennessee bureau of investigation shall inform the dealer that the disqualification of the purchaser is temporary.

SECTION 3. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(1) and substituting:

(1) Persons currently or formerly employed in the army, air force, space force, navy, coast guard, or marine service of the United States or any member of the Tennessee national guard;

SECTION 4. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(2) and substituting:

(2) Civil officers of the United States;

SECTION 5. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(4) and substituting:

(4) Officers of this state, or of any county, city, or town, charged with the enforcement of the laws of this state;

SECTION 6. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(6) and substituting:

(6) Any private police employed by the administration or board of trustees of any public or private institution of higher education;

SECTION 7. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(7) and substituting:

(7) Any registered security guard/officer who meets the requirements of title 62, chapter 35;

SECTION 8. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting subdivision (e)(8) and substituting:

(8) Persons possessing a handgun, who are authorized to carry the handgun pursuant to § 39-17-1351 or § 39-17-1366, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place;

SECTION 9. Tennessee Code Annotated, Section 39-17-1309(e)(12)(B), is amended by deleting the word "and" at the end of the subdivision.

SECTION 10. Tennessee Code Annotated, Section 39-17-1309(e)(13)(C), is amended by replacing the period at the end of the subdivision with the language "; and".

SECTION 11. Tennessee Code Annotated, Section 39-17-1309, is amended by adding the following new subdivision:

(14) A person possessing a handgun, who is authorized to carry the handgun pursuant to § 39-17-1351; provided, that the person keeps the handgun concealed and

on their person at all times and is not a kindergarten through grade twelve (K-12) student.

SECTION 12. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (c) and substituting:

(c) The authority conferred by this section does not extend to a law enforcement officer:

(1) Who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance or controlled substance analogue; or

(2) Who is not engaged in the actual discharge of official duties as a law enforcement officer while attending a judicial proceeding.

SECTION 13. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (e).

SECTION 14. This act takes effect January 1, 2024, the public welfare requiring it.