



# State of Tennessee

## PUBLIC CHAPTER NO. 264

SENATE BILL NO. 566

By Bowling

Substituted for: House Bill No. 1293

By Faison, Farmer, Carter, Lamberth, Helton

AN ACT to amend Tennessee Code Annotated, Title 29; Title 39; Title 40; Title 43; Title 53 and Title 67, relative to controlled substances.

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

SECTION 1. Tennessee Code Annotated, Section 53-10-308(a), is amended by adding the following subdivision:

(4)(A) Shall release confidential information from the database to the attorney general and reporter upon request for the purpose of reviewing, querying, or otherwise using the data in conjunction with investigating or litigating a civil action involving controlled substances. The data may be disclosed at the attorney general and reporter's discretion to:

(i) Designees within the office of the attorney general and reporter who are participating in, assisting with, or supervising any such investigation or litigation;

(ii) Other parties to litigation to which the attorney general and reporter is a party in which the data is relevant so long as disclosure of the data is in furtherance of litigation or resolution of litigation, and the data is provided only after an appropriate protective order is issued prohibiting the other parties from using the confidential information for any purpose other than defending or resolving the litigation and prohibiting the sharing of confidential information with litigants in other cases or other parties;

(iii) Targets of an investigation conducted by the attorney general and reporter for the purpose of negotiating a settlement regarding conduct to which the data is relevant only after an appropriate protective order is issued or a confidentiality agreement is executed regarding the data;

(iv) Designated consultants or experts who agree to maintain the confidentiality of the data and who are retained, in conjunction with an investigation or litigation, by:

(a) The attorney general and reporter;

(b) Other parties to litigation to which the attorney general and reporter is a party as described in subdivision (a)(4)(A)(ii); or

(c) Targets of an investigation conducted by the attorney general and reporter as described in subdivision (a)(4)(A)(iii); and

(v) A court for evidentiary or other purposes after an appropriate protective order is issued regarding the confidential information.

(B) The attorney general and reporter shall comply with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.) to the extent that it applies to any such disclosure.


SECTION 2. Tennessee Code Annotated, Section 53-10-308(b), is amended by deleting the language "personnel of the department or" and substituting instead "personnel of the department, the attorney general and reporter, or".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 566

PASSED: April 18, 2019

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
GLEN CASADA, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 30<sup>th</sup> day of April 2019

  
\_\_\_\_\_  
BILL LEE, GOVERNOR