CHAPTER NO. 163

HOUSE BILL NO. 522

By Krieg, Jensen, Bible, Copeland, Good, Murphy (Shelby), Rhinehart, Coffey, Berryhill, Edgar, Hinton, Sterling, Murphy (Davidson), Ashe, Engstrom, Crocker, Stafford, Huffstetler, Bailey, Dunavant, Denton, Smith, Anderson, Broyles, Mrs. Fleming, Webb, Hurley, Spoone, Elkins, Lawson, Hill (Shelby), Ashford, Hawks, Gill, Miss Doyle, Bates, Lowe, Bomar, E. Williams, Pruitt, Ford (Cocke), Blakley, Burnett, King, Hopper, Hicks, Richardson, McWilliams, Bissell, Powell, Davis, Hillis, Booker, Robinson (Washington), Miller, Love, Comer, Longley

Substituted for: Senate Bill No. 489

By Goddard, Person, Shadden, Crouch, Albright, Davis, Baker, Blank, Oehmig, Peeler, Cannon, Mr. Speaker Wilder

AN ACT to enact "The Tennessee Drug Control Act of 1971," to provide for a comprehensive system of drug and drug abuse control for Tennessee; to repeal Tennessee Code Annotated, Sections 52-102 (X) and 52-103 (0), relative to the Food, Drug and Cosmetic Law; to amend chapter 12 of Section 52 relative to Barbitals; to repeal Tennessee Code Annotated, Sections 52-1301 through 52-1304 inclusive, 52-1309, 52-1311, 52-1313, 52-1315, and 52-1319 through 52-1323 inclusive, relative to the Narcotic Drug Law; to repeal Tennessee Code Annotated, Sections 52-1401 through 52-1403 inclusive, relative to contraband drugs; and to provide for certain penalties and for rehabilitation and treatment.

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

SECTION 1. This Act shall be known and may be cited as "The Tennessee Drug Control Act of 1971."

SECTION 2. As used in this Act, unless the context requires otherwise:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner (or, in his presence, by his authorized agent) or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency; except when used as the Tennessee Bureau of Criminal Identification.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of Sections 3 through 15 inclusive.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or

pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the United States Pharmacopoeia, official Homeopathis Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant CANNABIS SATIVA L., whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline aldaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivation, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgoine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Section 3 of this Act, the dextronotatory isomer of 3-methozy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species PAPAVER SOMNIFERUM L., except its seeds.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Wholesaler" means a person who supplies a controlled substance that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(y) "Pharmacist" means a licensed pharmacist as defined by the laws of this State, and, where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right, or privilege that is not granted to him by the pharmacy laws of the state.

SECTION 3. (a) The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall administer this Act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 6 through 15 pursuant to the procedures of the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health. In making a determination regarding a substance, the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall consider the following:

(1) the actual or relative potential for abuse;

(2) the scientific evidence of its pharmacological effect, if known;

(3) the state of current scientific knowledge regarding the substance;

(4) the history and current pattern of abuse;

(5) the scope, duration, and significance of abuse;

(6) the risk to the public health;

(7) the potential of the substance to produce psychic or physiological dependence liability; and

(8) whether the substance is an immediate precursor of a substance already controlled under this section.

(b) After considering the factors enumerated in subsection (a), the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall make findings with respect thereto and issue a rule controlling the substance if he finds the substance has a potential for abuse.

(c) If the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Commissioner of Mental Health, the Commissioner, upon the agreement of the Commissioner of Public Health, shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30-day period, the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health objects to inclusion, rescheduling, or deletion. In that case, the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall publish their decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this Act by the Commissioner of Mental Health upon

the agreement of the Commissioner of Public Health, controlled under this Act is stayed until they publish their decision.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used elsewhere in the Tennessee Code Annotated.

(f) The Commissioner shall exclude any non-narcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

SECTION 4. The controlled substances listed or to be listed in the schedules in sections 6 through 15 are included by whatever official, common, usual, chemical, or trade name designated.

SECTION 5. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall place a substance in Schedule I if he finds that the substance:

(1) has high potential for abuse; and

(2) has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

SECTION 6. The controlled substances listed in this section are included in Schedule I.

(a) Any of the following opiates, including their isomers, esters, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) Allylprodine;

(3) Alphacetylmethadol;

(4) Alphameprodine;

(5) Alphamethadol;

(6) Benzethidine;

(7) Betacetylmethadol;

(8) Betameprodine;

(9) Betamethadol;

(10) Betaprodine;

(11) Clonitazene;

(12) Dextromoramide;

(13) Dextrophan;

(14) Diampromide;

(15) Diethylthiambutene;

(16) Dimenoxadol;

(17) Dimepheptanol;

(18) Dimethylthiambutene;

(19) Dioxaphetyl butyrate;

(20) Dipipanone;

(21) Ethylmethylthiambutene;

(22) Etonitazene;

(23) Etoxeridine;

(24) Furethidine;

(25) Hydroxypethidine;

(26) Ketobemidone;

(27) Levomoramide;

(28) Levophenacylmorphan;

(29) Morpheridine;

(30) Noracymethadol;

(31) Norlevorphanol;

(32) Normethadone;

(33) Norpipanone;

(34) Phenadoxone;

(35) Phenampromide;

(36) Phenomorphan;

(37) Phenoperidine;

(38) Piritramide;

(39) Proheptazine;

(40) Propdridine;

(41) Racemoramide;

(42) Trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine Methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Etorphine;

(10) Heroin;

(11) Hydromorphinol;

(12) Methyldesorphine;

(13) Methyldihydromorphine;

(14) Morphine methylbromide;

(15) Morphine methylsulfonate;

(16) Morphine-N-Oxide;

(17) Myrophine;

(18) Nicocodeine;

(19) Nicomorphine;

(20) Normorphine;

(21) Phoclodine;

(22) Thebacon

(c) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine;

(2) 5-methoxy-3,4-methylenedioxy amphetamine;

(3) 3,4,5-trimethoxy amphetamine;

(4) Bufotenine;

(5) Diethyltryptamine;

(6) Dimethyltryptamine;

(7) 4-methyl-2,5-dimethoxylamphetamine;

(8) Ibogaine;

(9) Lysergic acid diethylamide;

(10) Mescaline;

(11) Peyote;

(12) N-ethyl-3-piperidyl benzilate;

(13) N-ethyl-e-piperidyl benzilate;

(14) Psilocybin;

(15) Psilocyn;

(16) Tetrahydrocannabinols.

SECTION 7. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall place a substance in Schedule II if he finds that:

(1) the substance has high potential for abuse;

(2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) the abuse of the substance may lead to severe psychic or physical dependence.

SECTION 8. The controlled substances listed in this section are included in Schedule II.

(a) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocanized coca leaves or extractions which do not contain cocaine or ecgonine.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

(4) Dihydrocodeine;

(5) Diphenoxylate;

(6) Fentanyl;

(7) Isomethadone;

(8) Levomethorphan;

(9) Levorphanol;

(10) Metazocine;

(11) Methadone;

(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

(13) Moramide – Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

(14) Pethidine;

(15) Pethidine – Intermediate – A, 4-cyano-1-methyl-4-phenyl-piperidine;

(16) Pethidine – Intermediate – B, ethyl-4-phenylpiperidine-4-carboxylate;

(17) Pethidine – Intermediate – C, 1-methyl-4-phenylpiperidine-4-carboxylate acid;

(18) Phenazocine;

(19) Piminodine;

(20) Racementhorphan;

(21) Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

SECTION 9. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall place a substance in Schedule III if he finds that:

(1) the substance has a potential for abuse less than the substances listed in Schedules I and II;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

SECTION 10. (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system.

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Methylphenidate.

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other Schedules;

(2) Chlorhexadol;

(3) Glutethimide;

(4) Lysergic acid;

(5) Lysergic acid amide;

(6) Methyprylon;

(7) Phencyclidine;

(8) Sulfondiethymethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine; or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters of per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of Morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 11. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall place a substance in Schedule IV if he finds that:

(1) the substance has a low potential for abuse relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

SECTION 12. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Baribital;

(2) Chloral betaine;

(3) Chloral hydrate;

(4) Ethchlorvynol;

(5) Ethinamate;

(6) Methohexital;

(7) Meprobamate;

(8) Methylphenobarbital;

(9) Paraldehyde;

(10) Petrichloral;

(11) Phenobarbital.

(c) The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health may

except by rule and compound, mixture, or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 13. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health shall place a substance in Schedule V if he finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

SECTION 14. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 100 milligrams of opium per 100 milliliters.

SECTION 15. There is hereby established a Schedule VI for the classification of substances which the Commissioner of Mental Health upon the agreement of the Commissioner of Public Health, upon considering the factors set forth in Section 3 (a) of this Act, decides should not be included in Schedules I through V. The controlled substances included in Schedule VI are:

(1) Marihuana

SECTION 16. The Commissioner of Mental Health upon the agreement of the Commissioner of Public Health in cooperation with the Board of Pharmacy shall revise and republish the schedules semiannually for two (2) years from the effective date of this Act, and thereafter annually.

SECTION 17. The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this State. This provision shall apply only to wholesalers, manufacturers, and pharmacists.

SECTION 18. (a) Every person who manufactures, distributes, or dispenses any controlled substance pursuant to Section 17 within this State or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this State, must obtain annually a registration issued by the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances in accordance with its rules.

(b) Persons registered by the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances under this Act to

manufacture, distribute, or dispense controlled substances may possess, manufacture, distribute, or dispense those substances to the extent authorized by their registration and in conformity with the other provisions of this section.

(c) The following persons need not register and may lawfully possess controlled substances under this Act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances may inspect the establishment of a registrant or

applicant for registration in accordance with the Board's rules and regulations.

SECTION 19. (a) The State Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances shall register an applicant to manufacture or distribute controlled substances included in Sections 6, 8, 10, 12, and 14 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedules I, II, or VI other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances in Schedules II through V if they are authorized to dispense under the law of this State.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this Act.

SECTION 20. (a) A registration under Section 18 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this Act;

(2) has been convicted of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances may limit revocation or suspension of a registration to

the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) If the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the State.

(d) The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

SECTION 21. (a) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the Board of Pharmacy and the appropraite occupational or professional licensing board governing persons who may legally dispense controlled substances shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances at a time and place not less than 30 days after the date of service of the order, but in the case of a denial or renewal of

registration the show cause order shall be served not later than 30 days before the expiration of the registration. These proceedings shall be conducted in accordance with the procedures set forth in Tennessee Code Annotated, Sections 52-1316 through 1318, without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(b) The Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under Section 18, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances or dissolved by a court of competent jurisdiction.

SECTION 22. Persons registered to manufacture, distribute, or dispense controlled substances under this Act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the Board of Pharmacy and the appropriate occupational or professional licensing board governing persons who may legally dispense controlled substances issues and with the provisions of Tennessee Code Annotated, Section 52-1310.

SECTION 23. Controlled substances in Schedule I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance

with the provisions of federal law respecting order forms shall be deemed compliance with this section.

SECTION 24. (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner.

(b) In emergency situations, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 21. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under Tennessee Code Annotated, Title 52, Chapter 13, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed by the practitioner.

(d) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

SECTION 25. (a) Except as authorized by this Act, it is unlawful for any person to manufacture, deliver, sell, or possess with intent to manufacture, deliver or sell, a controlled substance.

(1) Any person who violates this subsection with respect to:

(A) a controlled substance classified in Schedule I is guilty of a felony and upon

conviction shall be imprisoned for not less than five (5) years nor more than fifteen (15) years and in addition thereto may be fined not more than eighteen thousand dollars ($18,000);

(B) a controlled substance classified in Schedule II is guilty of a felony and upon conviction shall be imprisoned for not less than four (4) years nor more than ten (10) years, and in addition thereto may be fined not more than fifteen thousand dollars ($15,000);

(C) a controlled substance classified in Schedule III is guilty of a felony and upon conviction shall be imprisoned for not less than three (3) years nor more than eight (8) years and in addition thereto may be fined not more than ten thousand dollars ($10,000);

(D) a controlled substance classified in Schedule IV is guilty of a felony and upon conviction shall be imprisoned for not less than two (2) years nor more than five (5) years and in addition thereto may be fined not more than seven thousand dollars ($7,000);

(E) a controlled substance classified in Schedule V is guilty of a felony and upon conviction shall be imprisoned for not less than one (1) nor more than five (5) years, and in addition thereto may be fined not more than five thousand dollars ($5,000);

(F) a controlled substance classified in Schedule VI is guilty of a felony and upon conviction shall be imprisoned for not less than one (1) year nor more than five (5) years and in addition thereto may be fined not more than three thousand dollars ($3,000).

(2) It may be inferred from the amount of controlled substances possessed by an offender, along with other relevant facts surrounding the arrest, that the controlled substance or substances were possessed with the purpose of selling or otherwise dispensing. It may be inferred from circumstances indicating a casual exchange among individuals of a small amount of controlled substances that the controlled substances so exchanged were possessed not with the purpose of selling or otherwise dispensing them in violation of the provisions of Section 25 (a) of this Act. Such inferences shall be transmitted to the jury by the trial judge's charge and the jury will consider such inferences along with the nature of the substance possessed when affixing the penalty.

(3) Any person who violates subsection 25 (a) (1) (P) of this Act by distributing a small amount of marihuana, not in excess of one-half (1/2) ounce, for no remuneration shall be subject upon conviction to the provisions of subsection 25 (b) of this Section.

(4) A person convicted of a violation of the provisions of subsection 25 (a) shall be first committed for treatment at a drug treatment facility operated by the State if the court finds that the offender is addicted to or dependent upon a controlled substance. The time thus spent shall be applied and credited to that person's sentence.

(b) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Act.

(1) Any person who violates this subsection shall, upon the first conviction, be committed to a program of rehabilitation at a drug treatment facility operated by the State or a comprehensive

community mental health center, or, at the discretion of the trial court, be sentenced to confinement for a period not to exceed eleven months, twenty-nine days and/or a fine of not more than $1,000.00.

(2) Anyone convicted of a second or subsequent offense by possessing a controlled substance, or in case of a first conviction in this State of a person previously convicted of any violation of the laws of the United States or any other state, territory, or district, relating to controlled substances or narcotic laws, shall be sentenced to confinement for a period not to exceed two years, provided, however, that, at the discretion of the court, the offender may first be committed for treatment at a drug treatment facility operated by the State or a comprehensive community mental health center. The time thus spent shall be applied to and credited to that person's sentence.

(3) Upon the completion of a rehabilitation program, as set forth in this section, the offender may, at the discretion of the trial court, be placed on probation, provided, however, that the combined rehabilitation-probation period not exceed eleven months, twenty-nine days for first offenses and not to exceed two years on subsequent offenses.

(4) In the event the offender violates his probation or refuses to begin or complete the rehabilitation program, the trial court shall sentence the offender to a jail term not to exceed eleven months, twenty-nine days on first offenses and not to exceed two years on subsequent offenses.

SECTION 26. Any person 18 years of age or over who violates Section 25 (a) by distributing a controlled

substance to a person under 18 years of age who is at least 3 years his junior is punishable by up to twice the fine and twice the term of confinement as otherwise provided for by this Act. The provisions of Section 27 shall not apply in such a case.

SECTION 27. (a) Any person convicted of a second or subsequent violation of the provisions of subsection 25 (a) of this Act may be imprisoned for a term up to twice the term otherwise authorized, or fined an amount up to twice that otherwise authorized by the provisions of this Act.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this Act or under any statute of the United States or of any state relating to the sale or distribution of narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

SECTION 28. (a) It is unlawful for any person:

(1) who is subject to Sections 17 through 24 to distribute or dispense a controlled substance in violation of Section 24;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act;

(4) to refuse an entry into any premises for any inspection authorized by this Act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this Act for the purpose of using these substances, or which is used for keeping or selling them in violation of this Act.

(b) Any person who violates this Section is guilty of a felony and upon conviction may be imprisoned for not less than two (2) years nor more than ten (10) years, or fined not more than twenty (20) thousand dollars, or both.

SECTION 29. (a) It is unlawful for any person knowingly or intentionally:

(1) to distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by Section 23 of this Act;

(2) to use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this Act, or any record required to be kept by this Act; or

(5) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of

another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not less than five (5) years nor more than ten (10) years, or fined not more than twenty (20) thousand dollars, or both.

SECTION 30. Any penalty imposed for violation of this Act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

SECTION 31. If a violation of this Act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution of this State.

SECTION 32. (a) Any officer, authorized representative of the Tennessee Bureau of Criminal Identification designated by the director of that bureau may:

(1) carry firearms in the performance of his official duties;

(2) execute and serve search warrants, arrest warrants, subpoenas, and summonses issued under the authority of this State;

(3) make arrests without warrant for any offense under this Act committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this Act which may constitute a felony;

(4) make seizures of property pursuant to this Act; or

(5) perform other law enforcement duties as the director of the bureau designates.

SECTION 33. (a) Prescriptions, orders, and records, required by this chapter, and stocks of controlled substances, shall be open for inspection only to federal, state, county, and municipal officers whose duty it is to enforce the laws or regulations of this State or of the United States relating to controlled substances or narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

(b) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

SECTION 34. (a) The criminal and circuit courts of this State may exercise jurisdiction to restrain or enjoin violations of this Act.

(b) The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this Section.

SECTION 35. (a) The Tennessee Bureau of Criminal Identification shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:

(1) arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(3) cooperate with the bureau by establishing a centralized unit to accept, catalogue, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes. It shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection (c); and

(4) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the bureau relating to the regulatory functions of this Act, including results of inspections conducted by it, may be relied and acted upon by the Tennessee Bureau of Criminal Identification in the exercise of its regulatory functions under this Act.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Tennessee Bureau of Criminal Identification, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

SECTION 36. (a) The following are subject to forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this Act;

(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2), but:

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(B) no conveyance is subject to forfeiture under this Section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(C) a conveyance is not subject to forfeiture for a violation of Section 25 (b); and,

(D) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Commissioner of Safety or his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable upon process issued by any circuit or criminal court having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgement in favor of the state in a criminal injunction or forfeiture proceeding based upon this Act;

(3) the Commissioner of Safety or his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Commissioner of Safety or his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable has probable cause to believe that the property was used or is intended to be used in violation of this Act.

(c) In the event of seizure pursuant to subsection (b), proceedings under subsection (d) shall be instituted promptly.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Commissioner of Safety or his authorized representative, agent, employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable subject only to the orders and decrees of the circuit or criminal court. When property is seized under this Act, the seizing authority may:

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require the Commissioner of Safety or his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this Act, the Commissioner of Safety or his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable shall remove it for disposition in accordance with law.

(f) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of this Act are contraband and shall be seized and summarily forfeited to the State. Controlled substances listed in Schedule I, which are seized or come into the possession of the State, the owners of which are unknown, are contraband and shall be summarily forfeited to the State.

(g) Species of plants from which controlled substances in Schedules I, II, and VI may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State.

(h) The failure, upon demand by the Commissioner of Safety, his authorized representative, agent, or employee, or a sheriff, deputy sheriff, municipal law enforcement officer, or constable of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) Confiscation proceedings under this Act shall be conducted in accordance with the provisions set forth in Tennessee Code Annotated, Sections 52-1404 through 1407.

SECTION 37. (a) It is not necessary for the State to negate any exemption or exception in this Act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Act. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Act, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

(c) No liability is imposed by this Act upon any authorized state, county or municipal officer, engaged in the lawful performance of his duties.

SECTION 38. All final determinations, findings and conclusions of the Department of Safety,

Department of Mental Health, Department of Public Health, or Board of Pharmacy under this Act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the circuit courts of Davidson County upon petition for writ of certiorari. Findings of fact by the Department of Safety, Department of Mental Health, Department of Public Health or the Board of Pharmacy, if supported by substantial evidence, are conclusive.

SECTION 39. (a) The Commissioner of Mental Health upon agreement of the Commissioner of Public Health may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(b) The Commissioner of Mental Health upon agreement of the Commissioner of Public Health may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtained this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

SECTION 40. (a) Prosecution for any violation of law occurring prior to the effective date of this Act is not affected or abated by this Act. If the offense being prosecuted is similar to one set out in Sections 25 through 31 of this Act, then the penalties under Sections 25, 26, 27, 28, 29 apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of

this Act are not affected by this Act.

(c) All administrative proceedings pending under prior laws which are superseded by this Act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the Act. Any substance controlled under prior law which is not listed within Schedules I through VI, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) The Board of Pharmacy shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this Act and who are registered or licensed by the State.

(e) This Act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

SECTION 41. Any orders and rules promulgated under any law affected by this Act and in effect on the effective date of this Act and not in conflict with it continue in effect until modified, superseded or repealed.

SECTION 42. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 43. (a) Chapter 12 of title 52 of the Tennessee Code Annotated shall be amended as follows:

(1) Section 52-1201 shall be amended by

striking said section in its entirety and inserting in lieu of the following section:

"For the purpose of this chapter the term 'legend drugs' means any item which Federal Law prohibits dispensing without a prescription from a licensed doctor, dentist or veterinarian."

(2) Section 52-1202 shall be amended after the words "sale of" and before the words "legend drugs" by striking the words "barbital and."

(3) Section 52-1204 shall be amended after the words "known as" and before the words "legend drugs" by striking the words "barbital and" in the first paragraph; and after the words "administration of" and before the words "a legend drug" by striking the words "barbital or" in the second paragraph.

(4) Section 52-1205 shall be repealed.

SECTION 44. The laws specified below are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this Act:

Tennessee Code Annotated, Section 52-102 (X) and 52-103 (O); Sections 52-1301 through 52-1304 inclusive, 52-1309, 52-1311, 52-1313, 52-1315 and 52-1319 through 52-1323 inclusive; Sections 52-1401 through 52-1403 inclusive.

SECTION 45. This Act shall take effect on July 1, 1971.

PASSED: May 3, 1971

James R. McKinney,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: May 11, 1971

Winfield Dunn,
GOVERNOR

CHAPTER NO. 164

HOUSE BILL NO. 586

By E. Williams, Jensen, Bible, Powell, Ashe, Lanier, Hinton, Lawson, Garner, Boner, Bowman, Elkins, Bradley, Murphy (Davidson), Hill (Shelby), Gill, Krieg, Longley, Davis, Dunavant, Shacklett, Miss Doyle, Holcomb, Copeland, Engstrom, Carter

Substituted for: Senate Bill No. 526

By Goddard, Ayres, Oehmig

AN ACT to enact the Water Quality Control Act of 1971; to establish a Water Quality Control Board; to provide for the duties and authority of the Board and certain administrative personnel; to establish procedures for issuing orders, holding hearings and appeals; to provide for certain permits, fees, penalties, assessments of damages, injunctions and other remedies; to provide for collection and disbursement of funds; to provide for construction and severability; and to repeal Chapter 3 of Title 70, T.C.A.