



# STATE PMP LAWS THAT CONFER IMMUNITY ON PRESCRIBERS AND/OR PHARMACISTS

**Research current through June 2014.**

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Clicking on a link below will take you directly to that page.

[Introduction](#)

[Alaska](#)

[Arizona](#)

[Delaware](#)

[District of Columbia](#)

[Florida](#)

[Georgia](#)

[Idaho](#)

[Illinois](#)

[Indiana](#)

[Iowa](#)

[Kansas](#)

[Maryland](#)

[Minnesota](#)

[Montana](#)

[New Jersey](#)

[North Dakota](#)

[Ohio](#)

[Oklahoma](#)

[Oregon](#)

[South Carolina](#)

[South Dakota](#)

[Tennessee](#)

[Vermont](#)

[Virginia](#)

[West Virginia](#)

[Wyoming](#)

## Introduction

The following statutes and regulations represent those states that specifically provide civil and/or criminal immunity to prescribers and dispensers for accessing, failing to access, or reporting data to the prescription monitoring program database. This does not mean that if a state is not included in this memorandum that prescribers and dispensers can be held liable for those actions as there may be other statutes or regulations which would provide immunity that aren't included in the prescription monitoring program statutes and regulations for that state.

[Back to Top ↑](#)

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Alaska  
§ 17.30.200

West's Alaska Statutes Annotated (2014)  
Title 17. Food and Drugs  
Chapter 30. Controlled Substances  
Article 5. Controlled Substance Prescription Database

§ 17.30.200. Controlled substance prescription database

...

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Nothing in this section requires or obligates a dispenser or practitioner to access or check the database before dispensing, prescribing, or administering a medication, or providing medical care to a person. **Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.**

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[Back to Top ↑](#)

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Arizona  
§ 36-2609

Arizona Revised Statutes Annotated (2014)  
Title 36. Public Health and Safety  
Chapter 28. Controlled Substances Prescription Monitoring Program  
Article 1. General Provisions

§ 36-2609. Use of information; civil immunity

A. An individual or entity that complies with the reporting requirements of § 36-2608 is not subject to civil liability or other civil relief for reporting the information to the board.

**B. Unless a court of competent jurisdiction makes a finding of malice or criminal intent, the board, any other state agency or any person or entity in proper possession of information pursuant to this article is not subject to civil liability or other legal or equitable relief for any of the following acts or omissions:**

- 1. Furnishing information pursuant to this article.**
- 2. Receiving, using or relying on, or not using or relying on, information received pursuant to this article.**
- 3. Information that was not furnished to the board.**
- 4. Information that was factually incorrect or that was released by the board to the wrong person or entity.**

[Back to Top ↑](#)

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Delaware  
16 § 4798

West's Delaware Code Annotated (2014)  
Title 16. Health and Safety  
Part IV. Food and Drugs  
Chapter 47. Uniform Controlled Substances Act  
Subchapter VII. Miscellaneous

§ 4798. The Delaware Prescription Monitoring Program

<Text of section effective upon the availability of appropriations, or of other adequate funding to implement and maintain the Prescription Monitoring Program and upon 3-1-2014. See Historical and Statutory Notes below. See also, text of section effective until 3-1-2014. >

...

**(j) Unless a court of competent jurisdiction makes a finding of gross negligence, malice or criminal intent, the Office of Controlled Substances, any other state agency, any prescriber or dispenser, or any person or entity in proper possession of information pursuant to this statute is not subject to civil liability, administrative action or other legal or equitable relief for any of the following acts or omissions:**

**(1) Furnishing information pursuant to this section.**

**(2) Receiving, using or relying on, or not using or relying on, information received pursuant to this section.**

**(3) Information that was not furnished to the Office of Controlled Substances.**

**(4) Information that was factually incorrect or that was released by the Office of Controlled Substance to the wrong person or entity.**

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[Back to Top ↑](#)

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District of Columbia  
§ 48-853.08

West's District of Columbia Code Annotated 2001 Edition (2014)  
Division VIII. General Laws.  
Title 48. Foods and Drugs.  
Subtitle II. Prescription Drugs.  
Chapter 8G. Prescription Drug Monitoring Program.

§ 48-853.08. Immunity from liability.

(a) The Director and the employees of the Department shall not be liable for any civil damages resulting from the accuracy or inaccuracy of any information reported, compiled, or maintained by the Program pursuant to this chapter.

(b) The Director and the employees of the Department shall not be liable for any civil damages resulting from the disclosure of or failure to disclose any information in compliance with this chapter and the Department's regulations.

**(c) In the absence of gross negligence or willful misconduct, prescribers or dispensers complying in good faith with the reporting requirements of this chapter shall not be liable for any civil damages for any act or omission resulting from the submission of such required reports.**

[Back to Top ↑](#)

Florida  
§ 893.055

West's Florida Statutes Annotated (2014)  
Title XLVI. Crimes (Chapters 775-899)  
Chapter 893. Drug Abuse Prevention and Control

§ 893.055. Prescription drug monitoring program

**(1) As used in this section, the term:**

(a) “Patient advisory report” or “advisory report” means information provided by the department in writing, or as determined by the department, to a prescriber, dispenser, pharmacy, or patient concerning the dispensing of controlled substances. **All advisory reports are for informational purposes only and impose no obligations of any nature or any legal duty on a prescriber, dispenser, pharmacy, or patient.** The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The advisory reports issued by the department are not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of the report; and a person who participates in preparing, reviewing, issuing, or any other activity related to an advisory report may not be permitted or required to testify in any such civil action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with preparing, reviewing, or issuing such a report.

...

(12) A prescriber or dispenser may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. **A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.**

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[Back to Top ↑](#)



Georgia  
§ 16-13-63

West's Code of Georgia Annotated (2014)  
Title 16. Crimes and Offenses  
Chapter 13. Controlled Substances  
Article 2. Regulation of Controlled Substances  
Part 2. Controlled Substances Prescription Monitoring

§ 16-13-63. Civil liability

Nothing in this part shall require a dispenser or prescriber to obtain information about a patient from the program established pursuant to this part. **A dispenser or prescriber shall not have a duty and shall not be held civilly liable for damages to any person in any civil or administrative action or criminally responsible for injury, death, or loss to person or property on the basis that the dispenser or prescriber did or did not seek or obtain information from the electronic data base established pursuant to Code Section 16-13-57.**

[Back to Top ↑](#)

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Idaho  
§ 37-2730A

West's Idaho Code Annotated (2014)  
Title 37. Food, Drugs, and Oil  
Chapter 27. Uniform Controlled Substances  
Article III

§ 37-2730A. Prescription tracking program

...

**(5) Unless there is shown malice or criminal intent or gross negligence or reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code, the state of Idaho, the board, any other state agency, or any person, or entity in proper possession of information as herein provided shall not be subject to any liability or action for money damages or other legal or equitable relief by reason of any of the following:**

**(a) The furnishing of information under the conditions herein provided;**

**(b) The receiving and use of, or reliance on, such information;**

**(c) The fact that any such information was not furnished; or**

**(d) The fact that such information was factually incorrect or was released by the board to the wrong person or entity.**

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[Back to Top ↑](#)

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Illinois  
720 § 570/318

West's Smith-Hurd Illinois Compiled Statutes Annotated (2014)  
Chapter 720. Criminal Offenses  
Offenses Against the Public  
Act 570. Illinois Controlled Substances Act  
Article III. Registration and Control of Manufacture, Distribution and Dispensing

570/318. Confidentiality of information

...

(j) Based upon federal, initial and maintenance funding, a prescriber and dispenser inquiry system shall be developed to assist the health care community in its goal of effective clinical practice and to prevent patients from diverting or abusing medications.

...

**(8) If there is an adverse outcome because of a prescriber or dispenser making an inquiry, which is initiated in good faith, the prescriber or dispenser shall be held harmless from any civil liability.**

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[Back to Top ↑](#)

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Indiana  
§ 35-48-7-11.1

West's Annotated Indiana Code (2014)  
Title 35. Criminal Law and Procedure  
Article 48. Controlled Substances  
Chapter 7. Central Repository for Controlled Substances Data

§ 35-48-7-11.1 INSPECT program; confidentiality

Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

...

**(l) A practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.**

...

**(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.**

[Back to Top ↑](#)

Iowa  
§ 124.553

Iowa Code Annotated (2014)  
Title IV. Public Health  
Subtitle 1. Alcoholic Beverages and Controlled Substances  
Chapter 124. Controlled Substances  
Division VI. Drug Prescribing and Dispensing--Information Program

§ 124.553. Information access

...

6. Nothing in this section shall require a pharmacist or prescribing practitioner to obtain information about a patient from the program. **A pharmacist or prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist or prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist or prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program.**

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[Back to Top ↑](#)

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Kansas  
§ 65-1688

West's Kansas Statutes Annotated (2014)  
Chapter 65. Public Health  
Article 16. Regulation of Pharmacists

§ 65-1688. Same; act does not create civil liability or duty

**No person authorized to prescribe or dispense scheduled substances and drugs of concern shall be liable to any person in a civil action for damages or other relief for injury, death or loss to person or property on the basis that such person authorized to prescribe or dispense scheduled substances and drugs of concern did or did not seek or obtain information from the prescription monitoring program prior to prescribing or dispensing scheduled substances and drug of concern to a patient. Nothing in this act shall be construed to create a duty or otherwise require a person authorized to prescribe or dispense scheduled substances and drug of concern to obtain information about a patient from the prescription monitoring program prior to prescribing or dispensing scheduled substances and drug of concern to such patient.**

[Back to Top ↑](#)

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Maryland  
Health-General § 21-2A-08  
ADC 10.47.07.08

West's Annotated Code of Maryland (2014)  
Health--General  
Title 21. Food, Drugs, and Cosmetics  
Subtitle 2A. Prescription Drug Monitoring Program

§ 21-2A-08. Liability of Department agents and employees, prescribers or dispensers

...

Prescribers or dispensers

**(b) A prescriber or dispenser, acting in good faith, is not subject to liability or disciplinary action arising solely from:**

**(1) Requesting or receiving, or failing to request or receive, prescription monitoring data from the Program; or**

**(2) Acting, or failing to act, on the basis of prescription monitoring data provided by the Program.**

Code of Maryland Regulations (2014)  
Title 10 Department of Health and Mental Hygiene  
Subtitle 47 Alcohol and Drug Abuse Administration  
Chapter 07 Prescription Drug Monitoring Program

.08 General Provisions.

...

**C. A prescriber or dispenser:**

(1) Is not required or obligated to access or use the prescription monitoring data available under the Program; and

**(2) When acting in good faith, is not subject to liability or disciplinary action arising solely from:**

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**(a) Requesting or receiving, or failing to request or receive, prescription monitoring data from the Program; or**

**(b) Acting, or failing to act, on the basis of prescription monitoring data provided by the Program.**

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[Back to Top ↑](#)

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Minnesota  
§ 152.126

Minnesota Statutes Annotated (2014)  
Health (Ch. 144-159)  
Chapter 152. Drugs; Controlled Substances  
Prescriptions

§ 152.126. Prescription monitoring program.

...

**Subd. 9. Immunity from liability; no requirement to obtain information. (a) A pharmacist, prescriber, or other dispenser making a report to the program in good faith under this section is immune from any civil, criminal, or administrative liability, which might otherwise be incurred or imposed as a result of the report, or on the basis that the pharmacist or prescriber did or did not seek or obtain or use information from the program.**

**(b) Nothing in this section shall require a pharmacist, prescriber, or other dispenser to obtain information about a patient from the program, and the pharmacist, prescriber, or other dispenser, if acting in good faith, is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.**

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[Back to Top ↑](#)

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Montana  
§ 37-7-1507

West's Montana Code Annotated (2013)  
Title 37. Professions and Occupations  
Chapter 7. Pharmacy  
Part 15. Prescription Drug Registry

§ 37-7-1507. Prescription drug registry--immunity

(1) A person or entity that complies with the reporting requirements of 37-7-1503 is not subject to civil liability or other legal or equitable relief for reporting the information to the board.

**(2) Unless a court of competent jurisdiction finds that a person or entity committed an unlawful act pursuant to 37-7-1513, a person or entity in proper possession of information pursuant to this part is not subject to civil liability or other legal or equitable relief for any of the following acts or omissions:**

**(a) furnishing information pursuant to 37-7-1502 through 37-7-1506;**

**(b) receiving, using or relying on, or not using or relying on information received pursuant to 37-7-1502 through 37-7-1506; or**

**(c) relying on information that was entered into the registry in error, was factually incorrect, or was released by the board to the wrong person or entity.**

(3) The immunity provisions of this section do not apply to the board, a state agency, or any political subdivision of the state.

[Back to Top ↑](#)

New Jersey  
§ 45:1-48

New Jersey Statutes Annotated (2014)  
Title 45. Professions and Occupations  
Subtitle 1. Professions and Occupations Regulated by State Boards of Registration and Examination  
Chapter 1. General Provisions  
Article 3. Record Background Checks for Health Care Professionals

§ 45:1-48. Immunity from liability

a. The division shall be immune from civil liability arising from inaccuracy of any of the information submitted to it pursuant to sections 25 through 30 of P.L.2007, c. 244 (C.45:1-45 et seq.).

**b. A pharmacy permit holder, pharmacist or practitioner shall be immune from civil liability arising from compliance with sections 25 through 30 of P.L.2007, c. 244 (C.45:1-45 et seq.).**

[Back to Top ↑](#)

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North Dakota  
§ 19-03.5-05

West's North Dakota Century Code Annotated (2014)  
Title 19. Foods, Drugs, Oils, and Compounds  
Chapter 19-03.5. Prescription Drug Monitoring Program

§ 19-03.5-05. Immunity

Nothing in this chapter requires a prescriber or dispenser to obtain information about a patient from the central repository prior to prescribing or dispensing a controlled substance. **A prescriber, dispenser, or other health care practitioner may not be held liable in damages to any person in any civil action on the basis that the prescriber, dispenser, or other health care practitioner did or did not seek to obtain information from the central repository. Unless there is shown a lack of good faith, the board, any other state agency, a prescriber, dispenser, or any other individual in proper possession of information provided under this chapter may not be subject to any civil liability by reason of:**

- 1. The furnishing of information under the conditions provided in this chapter;**
- 2. The receipt and use of, or reliance on, such information;**
- 3. The fact that any such information was not furnished; or**
- 4. The fact that such information was factually incorrect or was released by the board to the wrong person or entity.**

[Back to Top ↑](#)

## Ohio

§ 4729.80 (eff. until Sept. 17, 2014)

§ 4729.80 (eff. Sept. 17, 2014)

Baldwin's Ohio Revised Code Annotated (2014)

Title XLVII. Occupations--Professions

Chapter 4729. Pharmacists; Dangerous Drugs

Miscellaneous Provisions

§ 4729.80 Disclosure of database information; disclosure of requests for database information

<Text of Section Effective Until September 17, 2014>

...

**(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.**

Baldwin's Ohio Revised Code Annotated (2014)

Title XLVII. Occupations--Professions

Chapter 4729. Pharmacists; Dangerous Drugs

Miscellaneous Provisions

§ 4729.80 Disclosure of database information; disclosure of requests for database information

<Text of Section Effective September 17, 2014>

...

**(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.**

[Back to Top ↑](#)

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Oklahoma

63 § 2-309D (eff. until Nov. 1, 2014)

63 § 2-309D (eff. Nov. 1, 2014)

Oklahoma Statutes Annotated (2014)

Title 63. Public Health and Safety

Chapter 2. Uniform Controlled Dangerous Substances Act

Article III. Regulation of Manufacture, Distribution, Dispensing, Prescribing, Administering and Using for Scientific Purposes of Controlled Dangerous Substances

Anti-Drug Diversion Act

§ 2-309D. Central repository information--Confidentiality--Access-- Disclosure--Penalties—  
Liability

<Text of Section Effective Until November 1, 2014>

...

E. Notwithstanding the provisions of subsection B, registrants shall have no requirement or obligation to access or check the information in the central repository prior to dispensing or administering medications or as part of their professional practices. **Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.** Nothing herein shall be construed to relieve a registrant from any duty to monitor and report the sales of certain products pursuant to subsection E of Section 2-309C of this title.

...

Oklahoma Statutes Annotated (2014)

Title 63. Public Health and Safety

Chapter 2. Uniform Controlled Dangerous Substances Act

Article III. Regulation of Manufacture, Distribution, Dispensing, Prescribing, Administering and Using for Scientific Purposes of Controlled Dangerous Substances

Anti-Drug Diversion Act

§ 2-309D. Central repository information--Confidentiality--Access-- Disclosure--Penalties--  
Liability

<Text of Section Effective November 1, 2014>

...

**F. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.**

...

[Back to Top ↑](#)

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Oregon  
§ 431.966

West's Oregon Revised Statutes Annotated (2014)  
Title 36. Public Health and Safety  
Chapter 431. State and Local Administration and Enforcement of Health Laws  
Prescription Monitoring Program  
(Program)

§ 431.966. Prescription monitoring information disclosure; limitations

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

...

(7) Nothing in ORS 431.962 to 431.978 and 431.992 requires a practitioner or pharmacist who prescribes or dispenses a prescription drug to obtain information about a patient from the prescription monitoring program. **A practitioner or pharmacist who prescribes or dispenses a prescription drug may not be held liable for damages in any civil action on the basis that the practitioner or pharmacist did or did not request or obtain information from the prescription monitoring program.**

[Back to Top ↑](#)

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## South Carolina

§ 44-53-1680

Code of Laws of South Carolina 1976 Annotated (2014)

Title 44. Health

Chapter 53. Poisons, Drugs and Other Controlled Substances

Article 15. Prescription Monitoring Program

§ 44-53-1680. Violations and penalties.

(A) A dispenser or authorized delegate who knowingly fails to submit prescription monitoring information to drug control as required by this article, or who knowingly submits incorrect prescription information, is guilty of a misdemeanor, and upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(B) A person or persons authorized to have prescription monitoring information pursuant to this article who knowingly discloses this information in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(C) A person or persons authorized to have prescription monitoring information pursuant to this article who uses this information in a manner or for a purpose in violation of this article is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(D) Nothing in this chapter requires a pharmacist or practitioner to obtain information about a patient from the prescription monitoring program. **A pharmacist or practitioner does not have a duty and must not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist or practitioner did or did not seek or obtain information from the prescription monitoring program. A pharmacist or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving information from the prescription monitoring program.**

[Back to Top ↑](#)

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South Dakota  
§ 34-20E-11

South Dakota Codified Laws (2014)  
Title 34. Public Health and Safety  
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-11. Immunity from civil liability

Nothing in this chapter requires a prescriber or dispenser to obtain information about a patient from the central repository prior to prescribing or dispensing a controlled substance. **A prescriber, dispenser, or other health care provider may not be held liable in damages to any person in any civil action on the basis that the prescriber, dispenser, or other health care provider did or did not seek to obtain information from the central repository. Unless there is shown a lack of good faith, the board, a prescriber, dispenser, or any other person in proper possession of information provided under this chapter is not subject to any civil liability by reason of:**

- (1) The furnishing of information under the conditions provided in this chapter;**
- (2) The receipt and use of, or reliance on, such information;**
- (3) The fact that any such information was not furnished; or**
- (4) The fact that such information was factually incorrect or was released by the board to the wrong person or entity.**

[Back to Top ↑](#)

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## Tennessee

§ 53-10-306 (eff. until July 1, 2016)

§ 53-10-307 (eff. until Jan. 1, 2016)

§ 53-10-307 (eff. Jan. 1, 2016)

§ 53-10-310 (eff. until July 1, 2016)

§ 53-10-310 (eff. July 1, 2016)

§ 53-11-309 (eff. until July 1, 2016)

West's Tennessee Code Annotated (2014)

Title 53. Food, Drugs and Cosmetics

Chapter 10. Legend Drugs

Part 3. Tennessee Prescription Safety Act of 2012

§ 53-10-306. Confidentiality; disclosure; penalties

<Text of section effective until July 1, 2016. See, also, section effective July 1, 2016.>

...

(k)(1) Any person who obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a Class A misdemeanor.

(2) Any person who knowingly uses, releases, publishes, or otherwise makes available to any other person or entity any information submitted to, contained in, or obtained from the database for any purpose other than those specified in this part is guilty of a Class A misdemeanor.

(3) Intentional unauthorized use or disclosure of database information by law enforcement personnel, judicial district drug task force members or TBI agents shall be punishable as a Class A misdemeanor.

(4) Any law enforcement personnel, judicial district drug task force member or TBI agent charged with a violation of this section shall have such person's authorization to request information from the database suspended pending final disposition of any criminal prosecution. Any law enforcement personnel, judicial district drug task force member or TBI agent found guilty of a violation of this subsection (i) shall have such person's authorization to request information from the database permanently revoked.

**(5) Where an individual authorized under subsection (a) acts in good faith in accessing or using information from the database in accordance with the limitations under this part, that person shall not incur any civil or criminal liability as a result of that use or access.**

...

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West's Tennessee Code Annotated (2014)  
Title 53. Food, Drugs and Cosmetics  
Chapter 10. Legend Drugs  
Part 3. Tennessee Prescription Safety Act of 2012

§ 53-10-307. Submission and dissemination of information; immunity

<Text of Section Effective Until January 1, 2016>

(a) The failure of a dispenser to submit information to the database required under this part after the committee has submitted a specific written request for the information, or when the committee determines the individual has a demonstrable pattern of failing to submit the information as required, is grounds for the denial of licensure, renewal of licensure, or other disciplinary action against the dispenser before the licensing board with jurisdiction over the dispenser and for the committee to take the following actions:

- (1) Recommend to the appropriate licensure board that it should refuse to issue a license to the individual;
- (2) Recommend to the appropriate licensure board that it should refuse to renew the individual's license; and
- (3) Recommend to the appropriate licensure board that it should commence disciplinary action against the licensee seeking revocation, suspension or other appropriate discipline, including civil penalties.

**(b) An individual or entity that has submitted information to the database in accordance with this part and in good faith shall not be subject to a suit for civil damages nor held civilly liable for having submitted the information.**

**(c) An individual or entity that in good faith disseminates information contained in, or derived from, the database to the individuals authorized by this part to receive it in the manner authorized by this part or rules promulgated pursuant to this part, shall not be subject to a suit for civil damages nor held individually liable for having done so.**

**(d) Submitting the information as required by this part shall not subject the person submitting the information to licensure disciplinary action or any action for breach of confidentiality, ethical duty to a patient, or the sharing of any professional secret.**

West's Tennessee Code Annotated (2014)  
Title 53. Food, Drugs and Cosmetics  
Chapter 10. Legend Drugs  
Part 3. Tennessee Prescription Safety Act of 2012

§ 53-10-307. Submission and dissemination of information; immunity

<Text of Section Effective January 1, 2016>

(a) The failure of a dispenser to submit information to the database required under this part after the committee has submitted a specific written request for the information, or when the committee determines the individual has a demonstrable pattern of failing to submit the information as required, is grounds for the denial of licensure, renewal of licensure, or other disciplinary action against the dispenser before the licensing board with jurisdiction over the dispenser and for the committee to take the following actions:

- (1) Recommend to the appropriate licensure board that it should refuse to issue a license to the individual;
- (2) Recommend to the appropriate licensure board that it should refuse to renew the individual's license; and
- (3) Recommend to the appropriate licensure board that it should commence disciplinary action against the licensee seeking revocation, suspension or other appropriate discipline, including civil penalties.

**(b) An individual or entity that has submitted information to the database in accordance with this part and in good faith shall not be subject to a suit for civil damages nor held civilly liable for having submitted the information.**

**(c) An individual or entity that in good faith disseminates information contained in, or derived from, the database to the individuals authorized by this part to receive it in the manner authorized by this part or rules promulgated pursuant to this part, shall not be subject to a suit for civil damages nor held individually liable for having done so.**

**(d) Submitting the information as required by this part shall not subject the person submitting the information to licensure disciplinary action or any action for breach of confidentiality, ethical duty to a patient, or the sharing of any professional secret.**

(e)(1) Failure to submit the required information by any dispenser shall not be considered a violation if a good faith effort was made and the failure of the report to be transmitted was due to technical difficulties or the inability to have the report received by the database.

(2) Technical difficulties shall include the failure of the database to receive the transmission of any report, the failure of any dispenser's system or switch used in the transmission of the report,

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electrical problems, natural disasters, fires, flooding, or other unforeseen circumstances as defined in rules by the board.

(3) The board of pharmacy shall have rulemaking authority to implement this subsection.

West's Tennessee Code Annotated (2014)  
Title 53. Food, Drugs and Cosmetics  
Chapter 10. Legend Drugs  
Part 3. Tennessee Prescription Safety Act of 2012

§ 53-10-310. Electronic access to controlled substance database; penalty

<Text of section effective until July 1, 2016.>

...

**(d) Any prescriber, dispenser, individual or entity who is authorized to access the database by this part shall not be subject to a suit for civil damages or held civilly liable for the failure to register in, report to, or check the database, or for actions taken after reasonable reliance on information in the database, or accessing the database to determine whether or not the prescriber or dispenser's professional medical credentials are being inappropriately used or for reporting the same to the appropriate authorities, except as otherwise provided in this part.**

...

West's Tennessee Code Annotated (2014)  
Title 53. Food, Drugs and Cosmetics  
Chapter 10. Legend Drugs  
Part 3. Tennessee Prescription Safety Act of 2012

§ 53-10-310. Electronic access to controlled substance database; penalty

<Text of section effective July 1, 2016>

...

**(d) Any dispenser, individual or entity shall not be subject to a suit for civil damages nor held civilly liable for the failure to check the database or for actions taken after reasonable reliance on information in the database.**

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West's Tennessee Code Annotated (2014)  
Title 53. Food, Drugs and Cosmetics  
Chapter 11. Narcotic Drugs and Drug Control  
Part 3. Regulations and Registration

§ 53-11-309. Controlled substances; attempt to obtain; report; immunity for health care providers

<Text of section effective until July 1, 2016.>

...

**(d) A health care provider, or any person under the direction of the health care provider or any entity that assumes the responsibility of reporting for the provider who furnishes any information in good faith is immune from liability if a complaint, report, information, or record is furnished to a law enforcement agency.**

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[Back to Top ↑](#)

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Vermont  
18 § 4285

West's Vermont Statutes Annotated (2014)  
Title Eighteen. Health  
Part 5. Foods and Drugs  
Chapter 84A. Vermont Prescription Monitoring System

§ 4285. Immunity

**A dispenser or health care provider shall be immune from civil, criminal, or administrative liability as a result of any action made in good faith pursuant to and in accordance with this chapter, but nothing in this section shall be construed to establish immunity for the failure to follow standards of professional conduct or the failure to exercise due care in the provision of services.**

[Back to Top ↑](#)

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Virginia  
§ 54.1-2524

West's Annotated Code of Virginia (2014)

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards Within the Department of Health Professions

Chapter 25.2. Prescription Monitoring Program

§ 54.1-2524. Immunity from liability

A. The Director and the employees of the Department of Health Professions shall not be liable for any civil damages resulting from the accuracy or inaccuracy of any information reported to and compiled and maintained by the Department pursuant to this chapter.

Further, the Director and the employees of the Department of Health Professions shall not be liable for any civil damages resulting from the disclosure of or failure to disclose any information in compliance with subsections B and C of § 54.1-2523 and the Department's regulations.

**B. In the absence of gross negligence or willful misconduct, prescribers or dispensers complying in good faith with the reporting requirements of this chapter shall not be liable for any civil damages for any act or omission resulting from the submission of such required reports.**

[Back to Top ↑](#)

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West Virginia  
§ 60A-9-5

West's Annotated Code of West Virginia (2014)  
Chapter 60A. Uniform Controlled Substances Act  
Article 9. Controlled Substances Monitoring

§ 60A-9-5. Confidentiality; limited access to records; period of retention; no civil liability for required reporting

...

**(g) Good faith reliance by a practitioner on information contained in the West Virginia Controlled Substances Monitoring Program database in prescribing or dispensing or refusing or declining to prescribe or dispense a schedule II, III or IV controlled substance shall constitute an absolute defense in any civil or criminal action brought due to prescribing or dispensing or refusing or declining to prescribe or dispense; and**

**(h) A prescribing or dispensing practitioner may notify law enforcement of a patient who, in the prescribing or dispensing practitioner's judgment, may be in violation of section four hundred ten, article four of this chapter, based on information obtained and reviewed from the controlled substances monitoring database. A prescribing or dispensing practitioner who makes a notification pursuant to this subsection is immune from any civil, administrative or criminal liability that otherwise might be incurred or imposed because of the notification if the notification is made in good faith.**

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[Back to Top ↑](#)

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Wyoming  
§ 35-7-1060

West's Wyoming Statutes Annotated (2013)  
Title 35. Public Health and Safety  
Chapter 7. Food and Drugs  
Article 10. Controlled Substances  
Article X

§ 35-7-1060. Controlled substances prescription tracking program

...

**(d) Unless there is shown malice, gross negligence, recklessness or willful and wanton conduct in disclosing information collected under this act, the board, any other state agency and any other person or entity in proper possession of information as provided by this section shall not be subject to any civil or criminal liability or action for legal or equitable relief.**

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