THE ATTACHED AMENDMENT(S) ARE TO BILLS THAT WILL BE HEARD IN COMMITTEE THE WEEK OF

March 2, 2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1687* **House Bill No. 1765**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by deleting subdivision (41).

SECTION 2. Notwithstanding § 4-29-112, the soil scientist advisory committee, created by § 62-18-210, shall terminate and shall cease to exist upon the effective date of this act.

SECTION 3. Tennessee Code Annotated, Section 62-18-211, is amended in the first sentence by deleting the language ", under advisement from SSAC,".

SECTION 4. Tennessee Code Annotated, Section 62-18-210, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 62-18-213, is amended by deleting the language "department, its staff, or the SSAC" wherever it appears and substituting instead the language "department, or its staff".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Martin Daniel

Signature of Sponsor

AMEND Senate Bill No. 2769 **House Bill No. 1953***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), an agency shall not adopt a rule being proposed for which the fiscal note, required by § 4-5-226, or the economic impact statement, as provided in § 4-33-104, establishes that the rule being proposed imposes a cost on persons, including another agency, a special district, or a local or state government, unless, on or before the effective date of the rule being proposed, the agency:

(1) Repeals a rule that imposes a total cost on persons that is equal to or greater than the total cost imposed on persons by the rule being proposed; or

(2) Amends a rule to decrease the total cost imposed on persons by an amount that is equal to or greater than the cost imposed on persons by the rule being proposed.

(b) This section does not apply to a rule that:

(1) Relates to state agency procurement;

(2) Is amended to:

(A) Reduce the burden or responsibilities imposed on persons by a rule; or

(B) Decrease the persons' cost for compliance with a rule;

(3) Is adopted in response to a natural disaster;

(4) Is necessary to receive a source of federal funds or to comply with federal law; or

(5) Is necessary to implement legislation, unless the legislature specifically states this section applies to the rule.

SECTION 2. Tennessee Code Annotated, Section 4-5-226(i)(1)(E), is amended by deleting the subdivision and substituting instead the following:

A fiscal note listing the name and title of the officer or employee responsible for preparing or approving the note and stating the following for each year of the first five (5) years that the rule will be in effect:

(i) The additional estimated cost to the state and local governments to enforce or administer the rule;

(ii) The estimated reductions in costs to the state and local governments to enforce or administer the rule;

(iii) The estimated loss or increase in revenue to the state or local governments to enforce or administer the rule;

(iv) Whether enforcing or administering the rule will have an effect on cost or revenues of the state or local governments;

(v) The estimated costs the rule imposes on persons and other entities affected by the rule; and

(vi) An economic impact statement if requested pursuant to § 4-33-104.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

Martin Daniel

Signature of Sponsor

AMEND Senate Bill No. 1650* **House Bill No. 1728**

by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 64-1-101(b)(1), is amended by deleting the subdivision and substituting instead the following:

The commissioner of environment and conservation or the commissioner's designee, the county mayor of Decatur County or the mayor's designee, and the county mayor of Henderson County or the mayor's designee as ex officio members; and

SECTION 4. Tennessee Code Annotated, Section 64-1-101(e), is amended by deleting the subsection and substituting instead the following:

(1) Upon completion of the membership of the board, the members shall meet and organize in Lexington, Tennessee, set a regular time and place for the meetings of the authority, and obtain offices and all necessary equipment for the office.

(2)

(A) A member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the board.

(B) The presiding officer of the board shall promptly notify, or cause to be notified, the appointing authority of the member who fails to satisfy the attendance requirement prescribed in subdivision (e)(2)(A).

(3) The board may employ an executive secretary and such other persons as it deems necessary to carry out the purposes stated in this part and the salary of any such employees may be paid out of such funds as may be available to the authority from any source. The executive secretary is the custodian of funds belonging to the authority and

shall keep the records and accounts as may be required by the board. The executive secretary shall also execute a corporate surety bond as prescribed by the board.

SECTION 5. Tennessee Code Annotated, Section 64-1-102(a), is amended by deleting the following:

The authority is hereby specifically authorized and empowered to do any and all things necessary or desirable in forming and executing a plan for the comprehensive development of the resources of the Beech River watershed, including, but not limited to, action in cooperation, when necessary or desirable, with appropriate local, state and federal agencies, in the fields of agriculture, forestry, drainage and flood control, land reclamation, electric power utilization, irrigation, water conservation and supply, recreation, public health, education, manufacturing and trade. To that end the authority:

and by substituting instead the following:

The authority is specifically authorized and empowered to do any and all things necessary in forming and executing a plan for the comprehensive development of the resources of the Beech River watershed, including an action in cooperation, when necessary, with appropriate local, state, and federal agencies, in the fields of agriculture, forestry, drainage and flood control, land reclamation, electric power utilization, irrigation, water conservation and supply, recreation, public health, manufacturing, and trade. To that end the authority:

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1656* **House Bill No. 1734**

by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 64-1-802, is amended by adding the following as a new subdivision:

(i)

(1) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the board.

(2) The presiding officer of the board shall promptly notify, or cause to be notified, the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (i)(1).

SECTION 4. Tennessee Code Annotated, Section 64-1-804(a), is amended by deleting the following:

The authority is hereby specifically authorized and empowered to do any and all things necessary or desirable in forming and executing a plan for the comprehensive development of the resources of Carroll County, including, but not limited to, action in cooperation, when necessary or desirable, with appropriate local, state and federal agencies in the fields of agriculture, forestry, drainage and flood control, land reclamation, electric power utilization, irrigation, water conservation and supply, recreation, public health, education, manufacturing and trade. To that end the authority: and by substituting instead the following:

The authority is specifically authorized and empowered to do any and all things necessary in forming and executing a plan for the comprehensive development of the

resources of Carroll County, including an action in cooperation, when necessary, with appropriate local, state, and federal agencies in the fields of agriculture, forestry, drainage and flood control, land reclamation, electric power utilization, irrigation, water conservation and supply, recreation, public health, manufacturing, and trade. To that end the authority:

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1657* **House Bill No. 1735**

by deleting Section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 64-1-203, is amended by adding the following as a new subsection:

(d)

(1) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the board.

(2) The presiding officer of the board shall promptly notify, or cause to be notified, the appointing authority of the member who fails to satisfy the attendance requirement as prescribed in subdivision (d)(1).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2155 **House Bill No. 2224***

by deleting the language "fiscal year" in the first sentence of section 68-212-118 in SECTION 3 and substituting the language "calendar year".

Consumer and Human Resources
Amendment Packet
3/2/2020

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1. HB2708: Amendment 015343

House Employee Affairs Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2520* **House Bill No. 2708**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following as a new chapter:

50-10-101.

This chapter shall be known and may be cited as the "Tennessee Pregnant Workers Fairness Act."

50-10-102.

As used in this chapter:

(1) "Commissioner" means the commissioner of labor and workforce development;

(2) "Employer" means a person employing fifteen (15) or more employees;

(3) "Reasonable accommodation" may include:

(A) Making existing facilities used by employees readily accessible and usable;

(B) Providing more frequent, longer, or flexible breaks;

(C) Providing a private place, other than a bathroom stall, for the purpose of expressing milk;

(D) Modifying food or drink policy;

(E) Providing modified seating or allowing the employee to sit more frequently if the job requires standing;

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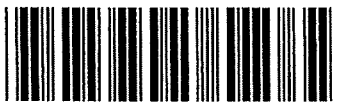
015343

(F) Providing assistance with manual labor and limits on lifting;

(G) Authorizing a temporary transfer to a vacant position;

(H) Providing job restructuring or light duty, if available;

(I) Acquiring or modifying of equipment, devices, or an employee's work station;

(J) Modifying work schedules; and

(K) Allowing flexible scheduling for prenatal visits; and

(4) "Undue hardship" means an action requiring significant difficulty or expense.

50-10-103.

(a) An employer is not required to do the following unless the employer does or would do so for another employee or a class of employees that need a reasonable accommodation:

(1) Hire new employees that the employer would not have otherwise hired;

(2) Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job;

(3) Create a new position, including a light duty position for the employee, unless a light duty position would be provided for another equivalent employee;

(4) Compensate an employee for more frequent or longer break periods, unless the employee uses a break period that would otherwise be compensated; or

(5) Construct a permanent, dedicated space for expressing milk.

(b) It is an unlawful employment practice for an employer to:

(1) Fail or refuse to make reasonable accommodations for medical needs arising from pregnancy, childbirth, or related medical conditions of an applicant for employment or an employee, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the business of the employer;

(2) Require an employee to take leave under a leave law or policy adopted by the employer if another reasonable accommodation can be provided to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions; or

(3) Take adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using a reasonable accommodation to the known limitations for medical needs arising from the employee's pregnancy, childbirth, or related medical conditions, including, but not limited to, counting an absence related to pregnancy under no fault attendance policies.

(c) An employer may, if required of other employees with medical conditions, request that an employee with a medical need relating to pregnancy, childbirth, or related medical conditions provide medical certification from a healthcare professional if the employee is requesting a reasonable accommodation related to temporary transfer to a vacant position, job restructuring, or light duty, or an accommodation that requires time away from work. During the time period in which an employee is making good faith efforts to obtain medical certification, an employer must begin engaging in a good faith interactive process with the employee to determine if a reasonable accommodation can be provided absent undue hardship. An employer shall not take adverse action against an employee related to the employee's need for accommodation while the employee is engaging in good faith efforts to obtain medical certification.

50-10-104.

(a) The commissioner shall enforce this chapter and may promulgate rules to effectuate this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Any person adversely affected by an act in violation of this chapter may bring a civil action in the chancery court or circuit court in the jurisdiction where the alleged violation occurred. In the action, a court may issue back pay, compensatory damages, prejudgment interest, reasonable attorney's fees, and any legal or equitable relief that will effectuate the purpose of this chapter.

(c) A civil action under this chapter must be commenced no later than one (1) year from the date of termination of employment or the date of the adverse employment action. An employee is not required to pursue an administrative action or remedy prior to filing suit under this section.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

HOUSE RESEARCH DIVISION

Finance, Ways & Means Committee Amendment Packet

March 3rd, 2020

Ramsey
MP
2/12/2020
11:35am

Amendment No._____

Dr. R L Ramsey
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1638 **House Bill No. 1678***

by deleting from subdivision (i)(*b*) in Section 1 the language "situated to the east of the Cumberland River and".

FILED	
Date	3-2-2020
Time	9:32
Clerk	DKS
Comm. Amdt.	

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2160 **House Bill No. 2229***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-2801. Definitions.

As used in this part:

(1) "Department" means the department of education;

(2) "Educator preparation provider" means a Tennessee educator preparation provider, approved by the state board, responsible for managing, operating, or coordinating programs for the preparation and licensure of teachers and other school personnel;

(3) "Foundational literacy skills" means a method of teaching students to read using systematic phonics instruction, with a focus on phonemic awareness, phonics, vocabulary development, fluency, and oral language, and when taught with knowledge-based reading comprehension, enables students to develop the skills required to meet the Tennessee English language arts standards, as adopted by the state board;

(4) "Reading diagnostic" means a uniform tool that screens and monitors a student's progress in the foundational reading skills of phonemic awareness, phonics, fluency, vocabulary, and oral language;

(5) "Significant reading deficiency" means the results of a student's reading diagnostic test do not meet the minimum skill levels of reading competency, as defined by the department of education, in the areas of

phonemic awareness, phonics, vocabulary development, reading fluency, and oral language for the student's grade level; and

(6) "State board" means the state board of education.

49-6-2802. Literacy instruction.

(a) Notwithstanding § 49-1-314, each local education agency (LEA) is responsible for implementing instructional programs based on the English language arts standards adopted by the state board that include foundational literacy skills for teaching students in grades kindergarten through two (K-2) to read. The department may review the instructional programing used by each LEA to teach reading to students in grades kindergarten through two (K-2) to verify that the instructional programing is based on foundational literacy skills.

(b) To ensure all textbooks and instructional materials used to teach students to read are based on foundational literacy skills, LEAs shall provide students in grades kindergarten through two (K-2) with textbooks and instructional materials from the list of textbooks and instructional materials approved for adoption by the state board as outlined in § 49-6-2202, unless a waiver is granted pursuant to § 49-6-2206, or the LEA is currently using a research-based or evidence-based curriculum that reflects above average growth for each of the previous two (2) school years, and may continue to use such curriculum so long as the LEA maintains above average growth for three (3) consecutive school years, as measured by fourth grade results on the Tennessee comprehensive assessment program (TCAP) tests. Subject to available funding, the department is authorized to issue grants to LEAs for the purpose of providing funding for the purchase and utilization of textbooks and instructional materials to assist LEAs in implementing subsection (a) and this subsection (b).

(c) Notwithstanding § 49-6-6002(a) or any other law to the contrary, LEAs shall administer to students in grades kindergarten through two (K-2) a reading diagnostic to benchmark literacy skills and growth. LEAs shall utilize the reading diagnostic selected and provided by the department. LEAs shall have the option to continue using additional

assessments to enhance reading proficiency. A reading diagnostic shall not be used for state accountability purposes. The reading diagnostic must be administered three (3) times each school year during the administration windows set by the department. An LEA shall administer the reading diagnostic to any student in the third grade who has a significant reading deficiency, as measured by the results of the last reading diagnostic administered to the student in second grade. An LEA that seeks to implement additional literacy assessments to students must submit written notification to the department.

(d) LEAs must submit the results of the reading diagnostic required under subsection (c) to the department, in a manner specified by the department. All information must be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), § 10-7-504, and all other relevant state and federal privacy laws.

(e) A student with a significant reading deficiency, as measured by the most recently administered reading diagnostic, must be provided with additional instructional supports that address the student's academic needs and the student's significant reading deficiency. A student in the third grade shall not be promoted to the next grade level unless the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results; provided, however, that a student may be promoted if the student participates in a reading intervention program that is based on foundational literacy skills before the beginning of the next school year. Nothing in this subsection (e) supersedes an LEA's obligations to comply with the Individuals with Disabilities Education Act, (20 U.S.C. § 1400, et seq.), or Section 504 of the Rehabilitation Act, (29 U.S.C. § 794) with regard to students with disabilities.

(f) LEAs may request an exemption from subsections (a) and (b) if the percentage of third-grade students who are enrolled in the LEA and proficient in English language arts, as measured by the Tennessee comprehensive assessment program (TCAP) tests:

(1) Is at least fifteen (15) percentage points above the state average;

(2) Is more than fifty-five percent (55%) at each school; and

(3) For each student group referenced in the state's accountability model, is at least fifteen (15) percentage points above the percentage of the statewide peer group in reading proficiency.

(g) For each school year, the department shall publish a list of the LEAs that are eligible for the exemption described in subsection (f).

(h) Nothing in this section shall be interpreted to require the use of instructional materials based on the common core state standards, or to re-establish the common core state standards replaced under § 49-1-310.

49-6-2803. Educator preparation programs.

(a) By August 1, 2021:

(1) Educator preparation providers must provide teaching candidates seeking a license or endorsement authorizing the candidate to teach students in any of the grades kindergarten through two (K-2) with:

(A) Training on how to teach students to read based on foundational literacy skills;

(B) Training on how to differentiate instruction for teaching students with advanced reading skills and students with significant reading deficiencies;

(C) Training on dyslexia identification and on providing effective instruction for teaching students with dyslexia using appropriate scientific research and brain-based multisensory intervention methods and strategies in alignment with the training required in § 49-6-3004(c)(1)(A);

(D) Training on how to implement reading instruction using high-quality instructional materials;

(E) Instruction on behavior management, trauma-informed principles and practices for the classroom, and other developmentally

appropriate supports to ensure students can effectively access literacy instruction; and

(F) Instruction on how to understand and use student reading data;

(2) The state board, in consultation with the department, shall promulgate revisions to the current state board rules regarding educator preparation providers to effectuate the provisions of this section; and

(3) The department may develop additional guidance for educator preparation providers consistent with this section.

(b) Effective August 1, 2022:

(1) A candidate seeking a teaching license or endorsement that authorizes the candidate to teach students in grades kindergarten through two (K-2) must provide a certificate documenting passage of a Tennessee reading instruction test developed or identified by the department, and approved by the state board, that tests the candidate's knowledge of foundational literacy skills before receiving the teacher license or endorsement. The department shall recommend the score that constitutes passage of the Tennessee reading instruction test required under this subdivision (b)(1) to the state board for approval. The Tennessee reading instruction test shall not constitute any additional cost for applicants for a teacher license;

(2) An instructor for an educator preparation provider teaching coursework, related to reading instruction, in any program that includes candidates seeking a teacher license or endorsement that authorizes the candidate to teach students in any of the grades kindergarten through two (K-2) must have an active Tennessee teacher license, unless the licensure requirement is waived by the commissioner, or the commissioner's designee. If the instructor does not have a teacher license, or the instructor's teacher license

has expired, then the instructor must provide documentation of the instructor's passage of the Tennessee reading instruction test required in subdivision (b)(1);

(3) An education preparation provider with an instructional leadership specialty area program must include instruction on foundational literacy skills. Program participants must pass the Tennessee reading instruction test required in subdivision (b)(1) before completing the program;

(4) Subject to available funding, the department may issue competitive grants to education preparation providers to assist in the implementation of this section; and

(5) Notwithstanding subdivision (b)(1):

(A) Candidates enrolled in a state-board-approved post-baccalaureate educator preparation program who hold an initial license and have demonstrated content knowledge in accordance with state board rule and policy must document the candidate's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), prior to renewal or advancement of the initial license; and

(B) Applicants for an initial Tennessee teacher or instructional leader license who possess an active professional-level license in a state that has a reciprocal agreement with the state board pursuant to § 49-5-109 must document the applicant's passage of a Tennessee reading instruction test, or must earn a literacy certificate pursuant to § 49-6-2805(b), prior to renewal or advancement of the initial license.

(c) By July 1, 2023, the department, in partnership with the state board and the Tennessee higher education commission, shall provide a report to the chairs of the education committees of the senate and house of representatives regarding the implementation of this section.

(d)

(1) No later than December 31, 2020, for purposes of consolidating existing information for the general assembly, the department shall submit a review of the following:

(A) A landscape analysis of literacy in Tennessee, including current practices, student achievement, instructional programming, and remediation services provided in schools and LEAs randomly selected through an audit model;

(B) A landscape analysis of literacy instruction, including instructional programming and pedagogical practices utilized by educator preparation providers; and

(C) A joint analysis with the Tennessee higher education commission regarding affordability of educator preparation providers, including tuition affordability for future educators, costs relative to peer institutions in other states, student loan and debt burden of educator preparation provider graduates, an assessment of financial barriers that may prevent postsecondary students and career changers from pursuing teaching as a profession, and the ability to reduce the costs of offering educator preparation and credentials.

(2) Educator preparation providers approved by the state board must participate in the review.

(3) By March 1, 2021, the results of the review must be reported to the commissioner and provided to the state board and to the chairs of the education committees of the senate and house of representatives. The report must be posted on the department's website.

49-6-2804. Accountability.

(a) By June 30, 2021, the department shall convene an advisory group of stakeholders to advise the department on the meaningful integration of third-grade

reading proficiency into the performance goals and measures established pursuant to § 49-1-602 for schools and LEAs.

(b) In consultation with the advisory group convened under subsection (a), the department shall review changes to the accountability performance designations required by § 49-1-602 for schools and LEAs serving students in any of the grades kindergarten through three (K-3) regarding the weight attributed to the third-grade reading proficiency levels demonstrated by student performance on the Tennessee comprehensive assessment program (TCAP) tests, or successor tests approved by the state board. Upon completing the review, if the department, after consultation with the advisory group, believes that revisions to the accountability performance designations under § 49-1-602 are warranted, then the department shall submit the revisions to the state board for approval and to the United States department of education, if required.

49-6-2805. Professional development and support.

(a) As used in this section, "literacy instructor" means any person who provides literacy instruction to public school students in any of the grades pre-kindergarten through five (pre-K-5), including classroom teachers, instructional coaches, and paraprofessionals.

(b)

(1) By June 30, 2022, the department shall provide two (2) separate literacy-related trainings that are required for all literacy instructors serving any student in any of the grades pre-kindergarten through five (pre-K-5). These trainings may be provided at the regional or local level, as determined by the department.

(2) The first training required under this subsection (b) must focus on instruction on foundational literacy skills.

(3) The second training required under this subsection (b) must focus on the implementation of programmatic and instructional materials concerning

literacy. The training must address how to teach the identified reading programs, as well as the instructional materials required for implementation.

(c) At the conclusion of the training required in subsection (b), a literacy instructor shall earn a literacy certificate upon demonstrating proficiency in the topics of the training, or proficiency on the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1). The literacy certificate must be based on the level of mastery demonstrated, as determined by the department. For a licensed teacher who is a literacy instructor and does not earn the literacy certificate, a mentor teacher who has earned the literacy certificate must be assigned by the school or LEA to support the teacher. Subject to available funding, the mentor teacher may receive a stipend as outlined by the department. A literacy instructor who does not earn the literacy certificate after participating in the training required under subsection (b) may be required to participate in the training the following year.

(d) A literacy instructor who demonstrates prior training in, and implementation of, a reading program based on foundational literacy skills, may, in lieu of participating in the training required in subsection (b), take the Tennessee reading instruction test provided pursuant to § 49-6-2803(b)(1), or participate in an abbreviated version of the trainings listed in subsection (b), as determined by the department.

(e) An LEA may apply for and receive literacy-related implementation and coaching support from service providers approved by the department. Implementation and coaching support must be awarded through a competitive grant process established by the department. LEAs shall cooperate with the service provider to measure teacher implementation and student achievement. The department shall not award a grant for a term of more than three (3) years. Implementation and coaching support must gradually decrease over the term of the grant. After the term of the grant expires, all training must be conducted through educator preparation providers and verified through educator credentialing processes and exams.

49-6-2806. Procurement of goods and services.

Any good or service that is selected, approved, or procured by the department and mandated for use by LEAs to effectuate this part, shall be conducted competitively and in compliance with all state laws and administrative regulations regarding the procurement of goods and services by state agencies, including §§ 12-3-101 – 12-3-104.

49-6-2807. Rule promulgation.

The state board is authorized to promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, to effectuate any provision of this part.

SECTION 2. Tennessee Code Annotated, Section 49-6-3115, is amended by deleting the section in its entirety.

SECTION 3. The headings in this act are for reference purposes only and do not constitute part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication that contains this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE RESEARCH DIVISION

Health Committee
Amendment ePacket

Tuesday, March 3, 2020

House Public Health Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2465 House Bill No. 2568*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding Sections 2 through 10 as new sections.

SECTION 2. As used in this section and Sections 3 through 10:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or other substance or device to intentionally:

(A) Kill the unborn child of a woman known to be pregnant; or

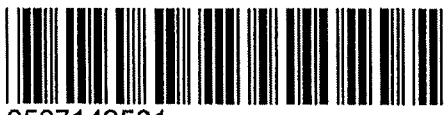
(B) Terminate the pregnancy of a woman known to be pregnant, with an intention other than:

(i) After viability, to produce a live birth and preserve the life and health of the child born alive; or

(ii) To remove a dead unborn child;

(2) "Chemical abortion" means the use or prescription of an abortion-inducing drug dispensed with intent to cause the death of the unborn child;

(3) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition is a medical emergency if based on a claim or diagnosis that the woman will engage in conduct that the



woman intends to result in the death or in substantial and irreversible physical impairment of a major bodily function of the woman; and

(4) "Stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health.

SECTION 3.

(a) This section applies to a private office, ambulatory surgical treatment center, as defined in § 68-11-201, or other facility, as defined in § 68-11-201, or clinic, if more than fifty (50) elective abortions were provided in the private office, ambulatory surgical treatment center, facility, or clinic, other than abortions necessary to prevent the death of the pregnant woman, during the previous calendar year. Each private office, ambulatory surgical treatment center, facility, or clinic shall conspicuously post a sign in a location described in subsection (c) in a manner clearly visible to patients, which reads as follows:

Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.

(b) The sign required pursuant to subsection (a) must be printed with lettering that is legible and at least three quarters of an inch (0.75") boldfaced type.

(c) A private office or an ambulatory surgical treatment center shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed. A hospital or any other facility that is not a private office or ambulatory surgical treatment center shall post the required sign in each patient admission area used by patients on whom abortions are performed.

SECTION 4.

(a) Except in the case of a medical emergency, a chemical abortion involving the two-drug process of dispensing mifepristone first and then misoprostol shall not be performed or induced or attempted to be performed or induced unless the woman is informed by the physician who is to perform the abortion at least forty-eight (48) hours before the abortion, that:

(1) It may be possible to reverse the intended effects of a chemical abortion utilizing mifepristone if the woman changes her mind, but that time is of the essence; and

(2) Information on and assistance with reversing the effects of a chemical abortion utilizing mifepristone is available on the department of health website.

(b) After the first drug involved in the two-drug process is dispensed in a chemical abortion utilizing mifepristone, the physician or an agent of the physician shall provide written medical discharge instructions to the pregnant woman, which must include the following statement:

> Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately.

SECTION 5. When a medical emergency compels the performance of an abortion, the physician shall inform the woman prior to the abortion, if possible, of the medical indications supporting the physician's professional medical judgment that an abortion is necessary to prevent the woman's death or that a delay of forty-eight (48) hours will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

SECTION 6.

(a) Within ninety (90) days after the effective date of this act, the department of health shall publish, in English and in each language that is the primary language of two percent (2%) or more of this state's population, and make available on the department's website as provided in subsection (b), the printed materials required by this subsection (a) in a manner that ensures that the information is easily understood by the general public. The materials must be designed to inform the woman of the possibility of reversing the effects of a chemical abortion utilizing mifepristone if the woman changes her mind and information on and assistance with the resources that may be available to help reverse the effects of a chemical abortion.

(b) The department of health shall develop and maintain a stable internet website to provide the information described in subsection (a). The department shall not collect or retain any information regarding website visitors or users. The department shall monitor the website on a daily basis to prevent and correct tampering. The website must be maintained at a minimum resolution of seventy (70) dots per inch. All pictures appearing on the website must be a minimum of two hundred (200) by three hundred (300) pixels. All letters on the website must be a minimum of twelve-point font. All information and pictures must be accessible with an industry standard browser, requiring no additional plugins.

SECTION 7. Any person who knowingly or recklessly performs or induces or attempts to perform or induce an abortion in violation of Sections 3 through 6 commits a Class E felony. No penalty may be assessed against the woman upon whom the abortion is performed or induced or attempted to be performed or induced. No penalty or civil liability may be assessed for failure to comply with Section 4(a)(2) unless the department of health has made the information available on the website at the time the physician is required to inform the woman.

SECTION 8. The department of health shall assess any private office, ambulatory surgical treatment center, or other facility or clinic that fails to post a sign required by Section 3 in negligent violation of Section 3 a civil penalty of ten thousand dollars ($10,000). Each day on

which an abortion, other than in the case of a medical emergency, is performed in any private office, ambulatory surgical treatment center, or other facility or clinic during which the required sign is not posted is a separate violation.

SECTION 9.

(a) Any person upon whom an abortion has been performed that was not in compliance with Sections 3-6, the father of the unborn child who was the subject of the abortion, or if the woman was younger than eighteen (18) years of age at the time of the chemical abortion or has died as a result of the chemical abortion, the grandparent of the unborn child may bring an action against the person who performed the abortion in knowing or reckless violation of this act for actual and punitive damages. Any person, upon whom an abortion that was in violation of Sections 3-6 has been attempted, may bring an action against the person who attempted to perform the abortion in knowing or reckless violation of this act for actual and punitive damages. A court shall not award damages to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(b) If judgment is rendered in favor of the plaintiff in any action brought pursuant to this section, then the court shall also award the plaintiff reasonable attorney's fees. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, then the court shall award the defendant reasonable attorney's fees.

SECTION 10. In each civil or criminal proceeding brought under Section 7, 8, or 9, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted must be preserved from public disclosure if the woman does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity must be preserved, shall issue orders to the parties, witnesses, and counsel and direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. The order must be accompanied by specific written findings explaining

why the anonymity of the woman must be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone who brings an action under Section 9 shall do so under a pseudonym. This section must not be construed to conceal the identity of the plaintiff or witnesses from the defendant.

SECTION 11. This act does not affect a provider's legal obligations pursuant to § 39-15-202.

SECTION 12. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

VBDF

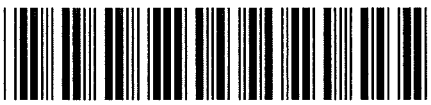
Signature of Sponsor

AMEND Senate Bill No. 2465 **House Bill No. 2568***

by deleting subsection (a) of the amendatory language of SECTION 3 and substituting instead the following:

(a) This section applies to a private office, ambulatory surgical treatment center, as defined in § 68-11-201, or other facility, as defined in § 68-11-201, or clinic, if more than fifty (50) abortions were provided in the private office, ambulatory surgical treatment center, facility, or clinic, other than abortions necessary to prevent the death of the pregnant woman, during the previous calendar year. Each private office, ambulatory surgical treatment center, facility, or clinic shall conspicuously post a sign in a location described in subsection (c) in a manner clearly visible to patients, which reads as follows:

Recent developing research has indicated that mifepristone alone is not always effective in ending a pregnancy. It may be possible to avoid, cease, or even reverse the intended effects of a chemical abortion utilizing mifepristone if the second pill has not been taken. Please consult with a healthcare professional immediately. WARNING TO PATIENTS – THERE HAVE BEEN NO MEDICAL TRIALS COMPLETED THAT PROVE A CHEMICAL ABORTION CAN BE REVERSED.



AND FURTHER AMEND by deleting subsection (b) of the amendatory language of SECTION 3 and substituting instead the following:

(b) The sign required pursuant to subsection (a) must be printed with black lettering that is legible and at least three quarters of an inch (0.75") boldfaced type, except the last sentence must be printed with red lettering that is legible and at least three quarters of an inch (0.75") boldfaced type.

House Public Health Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2505 House Bill No. 2153*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section:

71-1-124.

(a) Notwithstanding any law to the contrary, the commissioner shall submit a report quarterly to the persons identified in subsection (c) detailing the department's access to and use of federal funds. The report may be submitted electronically.

(b) The report must include information, in the aggregate and per program, regarding:

(1) The amount and source of federal funds available to be spent by the department in the current fiscal year;

(2) The amount of federal funds budgeted to be spent and expected to be actually spent in the current fiscal year;

(3) The amount and percentage of federal funds set aside as reserve, both cumulatively and in the current fiscal year;

(4) Whether there are restrictions or requirements under federal law on how federal funds can be spent, and what those restrictions or requirements are;

(5) Whether there are restrictions or requirements under state law on how federal funds can be spent, and what those restrictions or requirements are;

(6) Whether and how the restrictions or requirements described in subdivisions (b)(4)-(5) prevented the department's expenditure of federal funds; and

(7) Whether unspent federal funds available to the department carry over to the next fiscal year or are lost.

(c) Persons to whom the commissioner must submit the report include:

(1) The speakers of the house of representatives and the senate;

(2) The chief clerks of the house of representatives and the senate;

(3) The chairs of the finance, ways and means committees of the house of representatives and the senate;

(4) The executive director of the general assembly's fiscal review committee, for distribution to the members of the committee;

(5) The budget directors of the house of representatives and the senate; and

(6) The legislative librarian.

(d) For purposes of this section, "program" includes programs administered by the department for adult and family services, child support, and rehabilitation services, including:

(1) The child care benefits program;

(2) The temporary cash assistance program, through the state's temporary assistance to needy families (TANF) program;

(3) The supplemental nutrition assistance program (SNAP);

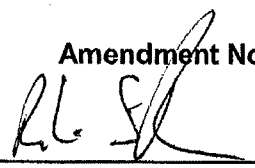
(4) Family assistance services;

(5) The child support enforcement program;

(6) Rehabilitation services; and

(7) The disability determination program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Date _____
Time _____
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Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

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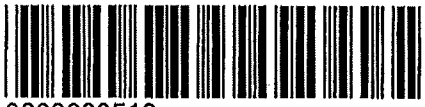
(2) The amount of federal funds budgeted to be spent and expected to be actually spent in the current fiscal year;

(3) The amount and percentage of federal funds set aside as reserve, both cumulatively and in the current fiscal year;

(4) Whether there are restrictions or requirements under federal law on how federal funds can be spent, and what those restrictions or requirements are;

(5) Whether there are restrictions or requirements under state law on how federal funds can be spent, and what those restrictions or requirements are;



(6) Whether and how the restrictions or requirements described in subdivisions (b)(4)-(5) prevented the department's expenditure of federal funds; and

(7) Whether unspent federal funds available to the department carry over to the next fiscal year or are lost.

(c) Persons to whom the commissioner must submit the report include:

(1) The speakers of the house of representatives and the senate;

(2) The chief clerks of the house of representatives and the senate;

(3) The chairs of the finance, ways and means committees of the house of representatives and the senate;

(4) The executive director of the general assembly's fiscal review committee, for distribution to the members of the committee;

(5) The budget directors of the house of representatives and the senate; and

(6) The legislative librarian.

(d) For purposes of this section, "program" includes programs administered by the department for adult and family services, child support, and rehabilitation services, including:

(1) The child care benefits program;

(2) The temporary cash assistance program, through the state's temporary assistance to needy families (TANF) program;

(3) The supplemental nutrition assistance program (SNAP);

(4) The child support enforcement program;

(5) Rehabilitation services; and

(6) The disability determination program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND <SB> **House Joint Resolution No. 732***

by deleting all language after the caption and substituting instead the following:

WHEREAS, cannabis is a naturally occurring genus of plants; marijuana is a psychoactive substance extracted from various varieties of the cannabis plant; and

WHEREAS, marijuana is known to have psychoactive effects on the human brain; it is also known to have certain medical benefits, especially in the treatment of muscle wasting in AIDS, neuropathic pain, chemotherapy-induced nausea and vomiting, and multiple sclerosis spasticity symptoms; and

WHEREAS, the United States Food and Drug Administration (FDA) has approved synthetic forms of marijuana for the above medical uses; and

WHEREAS, conversely, marijuana is classified as a Schedule I drug, the most restrictive classification, by the United States Drug Enforcement Administration (DEA) under the Controlled Substances Act; Schedule I drugs are defined as those having the most potential for abuse and dependence, no established medicinal qualities, and a lack of acceptable safety; and

WHEREAS, it is obvious that the regulatory policies of the FDA and DEA are contradictory; and

WHEREAS, the DEA justifies marijuana's Schedule I classification based upon the lack of U.S. research on the substance; however, in a classic Catch-22 scenario, the classification itself prevents research that could demonstrate marijuana's medical efficacy and safety; and

WHEREAS, rescheduling marijuana would open up research opportunities to permit medical cannabis providers to substantiate their claims; and

WHEREAS, in Washington v. Barr, the United States Court of Appeals for the Second Circuit found that there was significant evidence demonstrating that marijuana relieved patient

suffering and that the DEA had been "dilatory" in its consideration of its status under the Controlled Substances Act; the court also ordered the DEA to "promptly reconsider" its classification of marijuana as a Schedule I drug; and

WHEREAS, marijuana should be reclassified in the interest of public health and safety; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we urge and encourage the Drug Enforcement Administration to reschedule marijuana under the Controlled Substances Act to ensure that marijuana is available for medically controlled use and research; patients who benefit from medical marijuana, based on peer-reviewed scientific evidence, can be legally served; and evidence-based scientific research can be conducted to determine the benefits and harms of marijuana for various medical conditions.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the United States Attorney General, the Administrator of the Drug Enforcement Administration, the United States Secretary of Health and Human Services, and the United States Congressional delegation of the State of Tennessee.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Mark Cochran

Signature of Sponsor

AMEND Senate Bill No. 2503 **House Bill No. 2601***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-1601, is amended by deleting the language "and Accountability Act" and substituting instead the language "and Tennessee Responsible Borrowing Initiative Act".

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 16, is amended by adding the following as a new section:

(a) Beginning in the 2021-2022 academic year, each institution operated by the board of regents, each state university, and each campus in the University of Tennessee system shall provide each student with a detailed and completed current-year federal college financing plan. The plan must be provided to students at least once with the student's notice of financial aid eligibility. An institution may substitute a personalized and detailed institution-specific alternative to the federal college financing plan, if the institution's alternative provides, at a minimum, the following information:

(1) The total cost of attendance;

(2) The total amount per year of grants and scholarships awarded to the student, including awards from the institution, state programs, and federal programs;

(3) The estimated total net cost, based on the institution's cost of attendance, to the student for one (1) year of attendance at the institution, after deducting amounts awarded to the student through grants and scholarships;

(4) The total amount per year of actual student loans and estimated work study funds for which the student is eligible, accompanied by the amount of each

federal, state, or institutional loan by loan type and program origin, and the estimated amount of work study funds from each federal, state, or institutional work study option; and

(5) Information and resources available to the student relative to financial aid planning and loan repayment calculations.

(b) When a student is finalizing acceptance of a financial aid package, the institution shall clearly provide to the student:

(1) The estimated unmet financial need accompanied by the total amount per year of eligible student loans; and

(2) A statement on the importance of responsible student borrowing.

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

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Date	3-2-2020
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2177 **House Bill No. 2246***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-1003, is amended by deleting the section and substituting instead:

As used in this part:

(1) "Certificate" or "diploma" has the same meaning as defined in § 49-4-902;

(2) "Eligible independent postsecondary institution" has the same meaning as defined in § 49-4-902;

(3) "Eligible postsecondary institution" has the same meaning as defined in § 49-4-902;

(4) "Eligible program of study" means a federal Title IV-eligible curriculum of courses leading to a certificate, diploma, or an associate, bachelor's, or master's degree at an eligible postsecondary institution, but does not mean a doctoral program;

(5) "Eligible public postsecondary institution" has the same meaning as defined in § 49-4-902;

(6) "Federal tuition assistance" means federal military tuition assistance other than Montgomery GI Bill benefits and Post-9/11 GI Bill benefits;

(7) "Member" means an active member of a federally recognized unit of the Tennessee national guard who is maintaining satisfactory membership as defined by regulations of the department of the United States army and the department of the United States air force;

(8) "Semester" means a fall, spring, or summer semester at an eligible postsecondary institution, if the eligible postsecondary institution is on a semester system, or the equivalent, if the eligible postsecondary institution is on a system other than a semester system;

(9) "Tennessee national guard" means the federally recognized units of the Tennessee army and air national guard; and

(10) "Tuition" means the total semester, quarter, or classroom hour cost of instruction delineated in the catalog of an eligible postsecondary institution, including all mandatory fees.

SECTION 2. Tennessee Code Annotated, Section 49-4-1004, is amended by deleting the section and substituting instead:

(a) The Tennessee Support, Training, and Renewing Opportunity for National Guardsmen (STRONG) program, referred to in this part as the "program," is established under the authority of the adjutant general to provide tuition reimbursement to eligible postsecondary institutions on behalf of eligible members of the Tennessee national guard. Member eligibility for the program must be determined pursuant to § 49-4-1005.

(b) Upon successful application by an eligible member attending an eligible public postsecondary institution, the department of military shall pay the institution an amount equal to one hundred percent (100%) of the maximum resident in-state tuition charged by the institution attended for the eligible program of study in which the member is enrolled, less all other state or federal financial assistance as described in § 49-4-1005. Such financial assistance must be credited first to the amount of the average tuition, subject to § 49-4-1005.

(c) Notwithstanding subsection (b):

(1) For members attending an eligible two-year independent postsecondary institution, the amount of tuition reimbursement paid is the average cost of tuition at eligible two-year public postsecondary institutions, as determined by the Tennessee higher education commission and Tennessee

student assistance corporation, less all other financial assistance received by the member. Such financial assistance must be credited first to the amount of the average tuition, subject to § 49-4-1005; and

(2) For members attending an eligible four-year independent postsecondary institution, the amount of tuition reimbursement paid is the average cost of tuition at eligible four-year public postsecondary institutions, as determined by the Tennessee higher education commission and Tennessee student assistance corporation, less all other financial assistance received by the member. Such financial assistance must be credited first to the amount of the average tuition, subject to § 49-4-1005.

(d) The adjutant general is authorized to promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the purposes of the program.

SECTION 3. Tennessee Code Annotated, Section 49-4-1005, is amended by deleting the section and substituting instead:

The following are limitations and conditions on member eligibility and tuition reimbursement under the program:

(1) A member must maintain satisfactory academic progress and:

(A) For eligible programs of study leading to a certificate, diploma, or an associate or bachelor's degree, a minimum grade point average of 2.0, as determined by the eligible postsecondary institution attended; and

(B) For eligible programs of study leading to a master's degree, a minimum grade point average of 3.0, as determined by the eligible postsecondary institution attended;

(2) A member receiving tuition reimbursement under this part who ceases to be eligible for the reimbursement because the member fails to maintain satisfactory academic progress or the required grade point average at the end of any semester may regain eligibility for tuition reimbursement at the

end of any subsequent semester in which satisfactory academic progress and the required grade point average are established;

(3) A member ceases to be eligible for the program when the member earns a master's degree;

(4) A member who has earned a master's degree is not eligible for the tuition reimbursement under this part to earn additional bachelor's or master's degrees;

(5) Tuition reimbursement amounts for which a member is eligible under this part must be offset and reduced by the aggregate amount of state and federal education financial assistance received by the member during the semester or educational term, unless federal law or regulation requires otherwise, in which case federal priority controls. Such financial assistance includes, but is not limited to, the Tennessee Promise scholarship, the Tennessee Reconnect grant, the Tennessee HOPE scholarship, and similar state assistance, as such assistance programs or grants may be amended, as well as Tennessee student assistance awards, the federal Pell grant, Montgomery GI Bill benefits, Post-9/11 GI Bill benefits, and federal tuition assistance program benefits;

(6) Members eligible for federal tuition assistance must apply for and use federal tuition assistance;

(7) Members receiving a reserve officer training corps scholarship must exhaust the benefits of the reserve officer training corps scholarship in order to be eligible for tuition reimbursement under this part;

(8) Members must be in good standing and currently active in the Tennessee national guard;

(9) A member approved for tuition reimbursement under this part may transfer from one eligible postsecondary institution to another eligible

postsecondary institution without loss of reimbursement eligibility so long as the member continues to meet all eligibility requirements for the program; and

(10) Members must submit an application for tuition reimbursement under this part within ninety (90) days of course completion.

SECTION 4. Tennessee Code Annotated, Section 49-4-1006, is amended by deleting the section and substituting instead:

An active member of the Tennessee national guard who is not a Tennessee resident qualifies for tuition reimbursement provided by this part subject to the following conditions:

(1) The member is enrolled in an eligible postsecondary institution in this state;

(2) The tuition reimbursement provided for the member who is an out-of-state resident shall not exceed the amount of in-state tuition reimbursement that would be paid if the member were a Tennessee resident; and

(3) The tuition reimbursement provided for the member who is enrolled at an eligible independent postsecondary institution shall not exceed the amount of in-state tuition reimbursement that would be paid if the member were enrolled at an eligible public postsecondary institution.

SECTION 5. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

The attached amendments will be heard on bills in the Property and Planning Subcommittee on Tuesday, March 3rd, 2020.

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BY:

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Amendment No._____

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Signature of Sponsor

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AMEND Senate Bill No. 1778* **House Bill No. 1830**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-7-602, is amended by adding the following subdivision:

( ) "Transferred" means:

(A) An interest in real estate was conveyed on or after May 17, 2018; and

(B) The transfer tax was levied on the conveyance pursuant to § 67-4-409;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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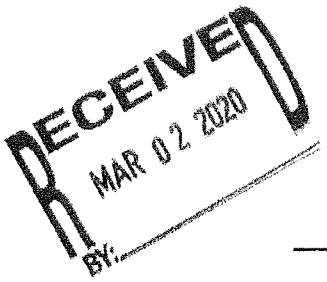

Amendment No._____

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Date _____
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Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2821 House Bill No. 2106*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-88-106(a), is amended by inserting the following as a new subdivision (3):

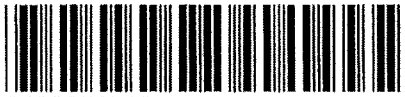
(3)

(A) After the apportionment and distribution of state sales and use taxes pursuant to subdivision (a)(1) has ceased with respect to one (1) or more qualified public use facilities located in a center city area located in a municipality in a county having a population of not less than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census, the apportionment and distribution of the incremental increase in the local sales and use tax revenue with respect to such qualified public use facility shall continue until the earlier of:

(i) Thirty (30) years from the date it is reasonably anticipated that the facility will commence operations as a public use facility; or

(ii) The date the cumulative amount apportioned and distributed to the municipality under this subdivision (a)(3) with respect to such facility equals the indebtedness of the municipality or public authority, plus interest thereon, related to the cost of the public use facility payable from such amount.

(B) This subdivision (a)(3) does not affect the apportionment and distribution pursuant to subdivision (a)(1) of any state sales and use taxes generated by such qualified public use facility uses as described in subdivision (a)(3)(A).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(C) This subdivision (a)(3) does not affect the apportionment and distribution pursuant to subdivision (a)(1) of any local sales and use taxes generated by such qualified public use facility hotel and related uses as described in subdivision (a)(3)(A).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 362 **House Bill No. 340***

by inserting the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 40-33-217(a), is amended by deleting the subsection and substituting instead the following:

(a) Upon entering an initial order which includes a return of property, in whole or in part, the administrative law judge shall also include an award of reasonable attorney's fees against the seizing agency subject to the limitations in subsection (c). In order to be awarded attorney's fees, the attorney for the prevailing party must have submitted an affidavit detailing the fees charged for legal services rendered in the forfeiture proceeding and stating that the time charged to the prevailing party is reasonable under the circumstances. The order awarding attorney's fees against the seizing agency must include a finding by the administrative law judge as to the reasonableness of the fees charged.

SECTION __. Tennessee Code Annotated, Section 40-33-217(c), is amended by deleting the language "three thousand dollars ($3,000)" wherever it appears and substituting instead "ten thousand dollars ($10,000)".

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 362 **House Bill No. 340***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-206, is amended by deleting subsection (b) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-33-205(a), is amended by deleting the language "cost bond or".

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 2353 **House Bill No. 1716***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-7-701(a)(1)(B), is amended by adding the following as a new subdivision:

Allow a requesting judgment creditor to determine a judgment debtor's place of employment for the sole purpose of a wage garnishment;

SECTION 2. Tennessee Code Annotated, Title 26, Chapter 2, Part 2, is amended by adding the following as a new section:

A garnishee shall notify the court and the judgment creditor, if the judgment creditor's address is known to the garnishee, when a judgment debtor, whose salaries, wages, or other compensation are subject to a garnishment, is no longer employed by the garnishee. The notice must be sent by first class mail within ten (10) days of the termination of the judgment debtor's employment.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Amendment No._____

Charlie Baum

Signature of Sponsor

AMEND Senate Bill No. 2437* **House Bill No. 2693**

by deleting the language "gross negligence or willful or wanton misconduct" from the amendatory language of Section 2 and substituting instead "gross negligence, intentional harm, or willful or wanton misconduct".

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2194 **House Bill No. 2261***

by deleting subdivision (c)(1)(A) of Section 5 and substituting instead:

(A) For a revocation of parole that does not involve a new felony or Class A misdemeanor, require the prisoner to temporarily serve a term of incarceration not to exceed:

(i) Fifteen (15) days for the first revocation;

(ii) Thirty (30) days for the second revocation;

(iii) Ninety (90) days for the third revocation; or

(iv) One (1) year, or the remainder of the prisoner's sentence, whichever is shorter, for a fourth or subsequent revocation; or

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Signature of Sponsor

AMEND Senate Bill No. 2195 **House Bill No. 2262***

by deleting the language "new felony or Class A misdemeanor" in subdivision (d)(3) of Section 9 and substituting instead "new felony, Class A misdemeanor, or absconding".

AND FURTHER AMEND by deleting subdivision (e)(1)(A) of Section 10 and substituting instead:

(A) Impose a term of incarceration not to exceed:

(i) Fifteen (15) days for the first revocation;

(ii) Thirty (30) days for the second revocation;

(iii) Ninety (90) days for the third revocation; or

(iv) One (1) year or the remainder of the sentence, whichever is shorter, for a fourth or subsequent revocation; or

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(g) It is an exception to the application of subsection (a) that a person is carrying, whether openly or concealed, a handgun and:

(1) The person meets the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(b) and (c). For purposes of this subdivision (g)(1), "qualifications" does not include completion of an application under § 39-17-1351(b) and (c);

(2) The person lawfully possesses the handgun; and

(3) The person is in a place where the person has a right to be.

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the subsection and substituting instead the following:

(a) Notwithstanding any law or any ordinance or resolution adopted by the governing body of a city, county, or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor

vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

(1) The person's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(2) The firearm or ammunition being transported or stored in the motor vehicle:

(A) Is kept from ordinary observation if the person is in the motor vehicle; or

(B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 39-17-1313(b), is amended by deleting the language "by the holder of a valid handgun carry permit in the permit holder's motor vehicle" wherever it appears and substituting instead the language "by a person in the person's motor vehicle pursuant to subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 39-17-1313(c)(1), is amended by deleting the language "permit holder" and substituting instead the language "person".

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(d), is amended by deleting the language "An enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "A person" and by deleting the language "enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "person".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(n)(1), is amended by deleting the last sentence of the subdivision and substituting instead:

The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the

person's status as an enhanced handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 7. Tennessee Code Annotated, Section 39-17-1366(e), is amended by deleting the subsection and substituting instead:

(e) The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as a concealed handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 8. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting instead "or less, except when the property obtained is a firearm.

SECTION 9. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting instead "if the property obtained is a firearm worth less than two thousand five hundred dollars ($2,500), or if the value of the property".

SECTION 10. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the subsection and substituting instead the following:

(d) Theft of a firearm shall be punished by confinement for not less than one hundred eighty (180) days in addition to any other penalty authorized by law.

SECTION 11. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

(29) The offense involved the theft of a firearm from a motor vehicle, as defined in § 55-1-103.

SECTION 12. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) For the offenses listed in subdivision (x)(2) committed on or after July 1, 2020, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other law, shall operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

(2) The offenses to which this subsection (x) is applicable are:

(A) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, under § 39-17-1307(b)(1)(A);

(B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(b)(1)(B);

(C) Unlawful possession of a handgun by a person convicted of a felony, under § 39-17-1307(c); and

(D) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, under § 39-17-1320.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to criminal offenses committed on or after that date.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2893 **House Bill No. 2666***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-8-116(b), is amended by adding the following language as a new subdivision:

( ) Obtaining a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that identifies the individual as having been employed as a law enforcement officer, and a certification issued by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty officers within this state that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found to meet the standards established by the Tennessee POST commission for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. A certified firearms instructor who is qualified to conduct a firearms qualification test in this state is authorized to issue a certificate indicating that the retired law enforcement officer has met the applicable standards;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Signature of Sponsor

AMEND Senate Bill No. 2886 **House Bill No. 2665***

by deleting the language "and subject to subsection (e) and subsection (i)" in subsection (c) in SECTION 1 and substituting the language "and subject to subsections (e), (i), and (j)".

AND FURTHER AMEND by deleting the word "or" in subdivision (e)(5)(B) in SECTION 1.

AND FURTHER AMEND by deleting subdivision (e)(6) in SECTION 1 and substituting the following:

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, no court shall publicly reveal personal information absent a specific finding of good cause;

(7) A state agency from requesting or disclosing personal information as required by federal law; or

(8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action.

AND FURTHER AMEND by adding the following as a subsection (j) in SECTION 1:

(j) Notwithstanding subsection (c), a state agency or a state agency's designated representative shall have access to personal information for purposes of conducting an audit, subrecipient monitoring, conducting a background check, or conducting an investigation. The state agency or the state agency's designated representative having that access shall maintain the confidential nature of the personal information.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2671 **House Bill No. 2817***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(g) It is an exception to the application of subsection (a) that a person is carrying, whether openly or concealed, a handgun and:

(1) The person meets the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(b) and (c);

(2) The person lawfully possesses the handgun; and

(3) The person is in a place where the person has a right to be.

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the subsection and substituting instead the following:

(a) Notwithstanding any law or any ordinance or resolution adopted by the governing body of a city, county, or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

(1) The person's motor vehicle is parked in a location where the motor vehicle is permitted to be; and

(2) The firearm or ammunition being transported or stored in the motor vehicle:

(A) Is kept from ordinary observation if the person is in the motor vehicle; or

(B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 39-17-1313(b), is amended by deleting the language "by the holder of a valid handgun carry permit in the permit holder's motor vehicle" wherever it appears and substituting instead the language "by a person in the person's motor vehicle pursuant to subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 39-17-1313(c)(1), is amended by deleting the language "permit holder" and substituting instead the language "person".

SECTION 5. Tennessee Code Annotated, Section 39-17-1313(d), is amended by deleting the language "An enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "A person" and by deleting the language "enhanced handgun carry permit holder or concealed handgun carry permit holder" and substituting instead the language "person".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(n)(1), is amended by deleting the last sentence of the subdivision and substituting instead:

The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as an enhanced handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 7. Tennessee Code Annotated, Section 39-17-1366(e), is amended by deleting the subsection and substituting instead:

(e) The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun in a location or manner that would be prohibited if not for the person's status as a concealed handgun carry permit holder and shall display the permit on demand of a law enforcement officer under such circumstances.

SECTION 8. Tennessee Code Annotated, Section 39-14-105(a)(1), is amended by deleting the language "or less" and substituting instead "or less, except when the property obtained is a firearm.

SECTION 9. Tennessee Code Annotated, Section 39-14-105(a)(2), is amended by deleting the language "if the value of the property" and substituting instead "if the property obtained is a firearm worth less than two thousand five hundred dollars ($2,500), or if the value of the property".

SECTION 10. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the subsection and substituting instead the following:

(d) Theft of a firearm shall be punished by confinement for not less than one hundred eighty (180) days in addition to any other penalty authorized by law.

SECTION 11. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

(29) The offense involved the theft of a firearm from a motor vehicle, as defined in § 55-1-103.

SECTION 12. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) For the offenses listed in subdivision (x)(2) committed on or after July 1, 2020, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, less sentence credits

earned and retained. However, no sentence reduction credits authorized by § 41-21-236, or any other law, shall operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

(2) The offenses to which this subsection (x) is applicable are:

(A) Unlawful possession of a firearm by a person convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon, under § 39-17-1307(b)(1)(A);

(B) Unlawful possession of a firearm by a person convicted of a felony drug offense, under § 39-17-1307(b)(1)(B);

(C) Unlawful possession of a handgun by a person convicted of a felony, under § 39-17-1307(c); and

(D) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, under § 39-17-1320.

SECTION 13. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to criminal offenses committed on or after that date.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2257* **House Bill No. 2339**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-28-116, is amended by adding the following language as new subsection (c):

(c)

(1) There is a presumption that a prisoner, who reaches the release eligibility date for the prisoner's combined state sentences and has an active detainer commitment to serve a term of imprisonment in a foreign jurisdiction, shall, unless good cause is shown to deny release, be granted parole in order to begin service of the term of imprisonment in the foreign jurisdiction if:

(A) The term of imprisonment in the foreign jurisdiction is greater than the period of imprisonment left to serve on the prisoner's combined state sentences;

(B) The prisoner would be otherwise eligible for parole consideration; and

(C) The prisoner is a good candidate for parole release upon application of any release decision-making guidelines in use by the board.

(2) When a prisoner has a parole hearing, it is the responsibility of the department of correction to provide information to the board regarding filed active detainer commitments in which the prisoner is to serve a term of imprisonment.

(3) If parole release is granted to a detainer in a foreign jurisdiction, it is the responsibility of the entity having custodial authority over the prisoner prior to

parole release to file a notification request with the foreign jurisdiction for the remainder of any Tennessee sentence.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 69* **House Bill No. 310**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1)

(A) If a person is sentenced for commission of crimes committed when the person was less than eighteen (18) years of age, the person's first release eligibility date for those crimes shall occur after service of thirty (30) calendar years if the release eligibility date for the sentence or sentences imposed is greater than thirty (30) calendar years from the date of sentencing, regardless of whether the sentences were ordered to run consecutively or concurrently.

(B) In determining whether to grant parole to a person under subdivision (x)(1)(A), in addition to general parole factors, the parole board shall consider factors related to youth, including, but not limited to:

(i) The reduced ability of youth to fully understand the risks and consequences of their actions;

(ii) Lowered impulse control during youth;

(iii) The role of peer pressure or adult coercion in the commission of the offense;

(iv) The effects of trauma, adverse childhood experiences, and environmental factors beyond the youth's control; and

(v) The amenability of youthful offenders to rehabilitation as a result of maturity and brain development.

(C) This subdivision (x)(1) does not apply to persons sentenced to life without the possibility of parole.

(2) The sentence or sentences of a person described in subdivision (x)(1) shall be reduced by any sentence reduction credits earned and retained and credit for any time served in a county jail or juvenile facility, but in no event shall these credits operate to make the person eligible for release prior to service of thirty (30) calendar years.

(3) A sentence of imprisonment for life without the possibility of parole shall not be imposed or inflicted upon a person convicted of crimes punishable by imprisonment for life without possibility of parole who at the time of the commission of the crimes was less than eighteen (18) years of age. As to such a person, the maximum punishment that may be imposed is imprisonment for life with the possibility of parole.

(4) It is the intent of the general assembly that subdivisions (x)(1) and (x)(2) are retroactive and apply to a person described in subdivision (x)(1) whether the crime was committed prior to July 1, 2020, or on or after July 1, 2020. Subdivisions (x)(3) are prospective only and only apply to sentences imposed on or after July 1, 2020.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2396 **House Bill No. 1704***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new section:

(a) A person commits assault against a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, public or private probation officer, parole officer, or community corrections officer; or

(2) Intentionally or knowingly causes physical contact with a law enforcement officer, public or private probation officer, parole officer, or community corrections officer and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a law enforcement officer, public or private probation officer, parole officer, or community corrections officer.

(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum sentence of thirty (30) days incarceration. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

(c) An inmate commits assault against a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse; or

(2) Intentionally or knowingly causes physical contact with a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse.

(d) Assault under subsection (c) is a Class E felony and shall include a mandatory minimum sentence of thirty (30) days of incarceration, to be served consecutive to any current sentence unless the district attorney general agrees to a concurrent sentence. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1), is amended by adding the following language as a new subdivision:

( ) A person convicted of a violation of subsection (a) or (c) committed against a law enforcement officer, public or private probation officer, parole officer, community corrections officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or

attempting to discharge their official duties shall be punished one (1) classification higher than is otherwise provided.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2363 House Bill No. 1868*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the Officer Kenny Moats Assault Act."

SECTION 2. Tennessee Code Annotated, Section 39-13-101, is amended by deleting subdivision (b)(1) and substituting instead the following:

(b)

(1)

(A) Assault under:

(i) Subdivision (a)(1) is a Class A misdemeanor, punishable by incarceration and a fine not to exceed fifteen thousand dollars ($15,000);

(ii) Subdivision (a)(2) is a Class A misdemeanor; and

(iii) Subdivision (a)(3) is a Class B misdemeanor.

(B) If an assault under subsection (a) is committed against a first responder listed in § 39-13-102(e)(1)(B), who is discharging or attempting to discharge the first responder's official duties, the assault shall be punished one (1) classification higher than is prescribed for the offense in subdivision (b)(1)(A).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2215* **House Bill No. 2576**

by deleting all language after the caption and substituting instead the following:

WHEREAS, the long-term effects and safety of the administration of puberty-blocking medications and cross-sex hormones to gender incongruent children have not been rigorously studied. Absent rigorous studies showing their long-term safety and positive benefits, their continued administration to children constitutes dangerous and uncontrolled human medical experimentation that may result in grave and irreversible consequences to their physical and mental health; and

WHEREAS, studies have shown that a substantial majority of pre-pubescent children who claim a gender identity different from their biological sex will ultimately identify with their biological sex by young adulthood or sooner when supported through their natural puberty. There is no psychological or medical test that can differentiate between the majority of children who will desist from their gender incongruence and the minority who will not. Research suggests that the administration of puberty-blocking medications or cross-sex hormones forecloses the possibility of a natural recovery from this condition; and

WHEREAS, there are no rigorous studies that show that gender-changing therapies performed on children, including the administration of puberty-blocking medications, the administration of opposite sex hormones, or surgeries intended to approximate the appearance of the opposite sex have any long-term beneficial effect, including a reduction in suicide risk. To the contrary, such therapies carry elevated risks of mental illness, sterility, sexual dysfunction, surgical complications, thromboembolic and cardiovascular disease, osteoporosis, malignancy, and may even contribute to suicide; and

WHEREAS, the continued performing of such therapies upon children constitutes a public health risk; and

WHEREAS, the police power of the state is held to embrace reasonable regulations to protect the public health. That authority over children is broader than that over adults. *Jacobson v. Massachusetts*, 197 U.S. 11 (1905); *Prince v. Massachusetts*, 321 U.S. 158 (1944); now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following new section:

(a) This act shall be known and may be cited as the "Tennessee Vulnerable Child Protection Act."

(b) As used in this section:

(1) "Biological female" means a person who was born with female anatomy and two (2) X chromosomes in the person's cells;

(2) "Biological male" means a person who was born with male anatomy and X and Y chromosomes in the person's cells;

(3) "Healthcare professional" means a physician or other healthcare practitioner licensed, registered, accredited, or certified to perform specified healthcare services pursuant to title 63 or title 68 and regulated under the authority of the department of health or any agency, board, council, or committee attached to the department;

(4) "Minor" means an individual who is younger than twenty-one (21) years of age, whether or not the individual is emancipated;

(5) "Person" means any individual, or agent, employee, official, or contractor of any legal entity, this state or a political subdivision or agency thereof, a local government, school district, or other governmental entity;

(6) "Puberty" has the same meaning as defined in § 49-6-1301;

(7) "Sex" means the biological state of being male or female, based on the individual's sex organs, chromosomes, and endogenous hormone profiles;

(8) "Sexual identity" means an individual's self-recognition and self-expression as either a biological female or biological male; and

(9) "Sexual identity change therapy" means a course of treatment that involves the use of hormone replacement, puberty blockers, or other medical intervention to change the sexual identity or physical appearance of a patient to a sexual identity or physical appearance that does not correspond to the anatomy and chromosomal makeup with which the patient was born.

(c) Except as provided in subsections (d) and (e), a person shall not engage in, counsel, or refer any of the following practices upon a minor, or cause any of the following practices to be performed upon a minor if such practice is performed for the purpose of attempting to affirm the minor's perception of his or her sexual identity, if that perception is inconsistent with the minor's biological sex:

(1) Prescribing, dispensing, administering, or otherwise supplying puberty-blocking medication to stop or delay normal puberty;

(2) Prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of testosterone or other androgens to females;

(3) Prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of estrogen to males;

(4) Performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

(5) Performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual's biological sex, including metoidioplasty, phalloplasty, and vaginoplasty;

(6) Performing a mastectomy or otherwise removing any otherwise healthy or non-diseased body part or tissue; or

(7) Performing or facilitating the provision of any other sexual identity change therapy.

(d) Subsection (c) does not apply to a procedure undertaken to treat a minor born with a medically verifiable disorder of sex development, including, without limitation:

(1) An individual born with external biological sex characteristics that are unresolvably ambiguous, including an individual born with 46 XX chromosomes with virilization, 46 XY chromosomes with under-virilization, or having both ovarian and testicular tissue; or

(2) An individual whom a physician has otherwise diagnosed with a disorder of sexual development, in which the physician has determined through genetic or biochemical testing that the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(e) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has entered puberty unless the parent or legal guardian of the minor provides a signed, written statement recommending sexual identity change therapy for the minor from:

(1) Two (2) or more physicians licensed under title 63, chapter 6 or 9; and

(2) One (1) or more physicians licensed under title 63, chapter 6 or 9, who is board-certified in child and adolescent psychiatry, and who is not the same person as any physician whose written recommendation is used to satisfy subdivision (e)(1).

(f) A person shall not:

(1) Encourage or coerce a minor to withhold from the minor's parent the fact that the minor's perception of the minor's sexual identity is inconsistent with the minor's biological sex; or

(2) Withhold from a minor's parent information that is related to a minor's perception that the minor's sexual identity is inconsistent with his or her biological sex.

(g) An employee of a public or private school attended by a minor who has knowledge of the minor's perception that the minor's sexual identity is inconsistent with the minor's biological sex, shall notify, or cause to be notified, a parent or guardian of the minor.

(h)

(1) A person who violates this section is guilty of child abuse punishable in accordance with § 39-15-401.

(2) A healthcare professional is subject to a civil action in tort in accordance with applicable healthcare liability provisions in title 29, chapter 26. Notwithstanding any law to the contrary, a civil action may be filed under this subdivision (h)(2) up to seven (7) years after a minor turns twenty-one (21) years of age.

(3) In addition to any criminal liability under subdivision (h)(1), a violation of this section by a healthcare professional constitutes professional misconduct and the healthcare professional is subject to discipline by the healthcare professional's licensing authority.

(i) This section must not be construed to establish a new or separate standard of care for hospitals, physicians, or healthcare professionals and their patients or otherwise modify, amend, or supersede any provision of state law regarding medical liability.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2323 **House Bill No. 2351***

by deleting the language "February 1, 2021" in subsection (c) of SECTION 1 and substituting the language "July 1, 2021".

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1996 **House Bill No. 1915***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following language as a new section:

(a) Effective July 1, 2020, there are created five (5) social worker positions to be designated in judicial districts as provided in this section.

(b)

(1) The executive director of the district public defenders conference and the administrative director of the courts shall meet and prepare a report containing the directors' recommendations as to the specific judicial districts in which the additional social worker positions created pursuant to subsection (a) should be designated. The report must be prepared in consultation with the comptroller.

(2) By September 1, 2020, the executive director of the district public defenders conference shall file the report prepared pursuant to subdivision (b)(1) with the speaker of the senate, the speaker of the house of representatives, the chair of the judiciary committee of the senate, and the chair of the judiciary committee of the house of representatives. Upon the filing of such report, the district public defenders recommended by the report to receive the additional social worker positions shall be authorized to interview and employ persons to fill the positions.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2890 **House Bill No. 2814***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section.

(a) A law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining thereto, to the extent and under the procedures and conditions provided for by the laws of the United States.

(b) A provider of electronic communication service or remote computing service shall provide the contents of, and transactional records pertaining to, wire and electronic communications in its possession or reasonably accessible thereto when a requesting law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee complies with the provisions for access thereto set forth by the laws of the United States.

(c) Search warrants for production of stored wire or electronic communications and transactional records pertaining thereto shall have state-wide application or application as provided by the laws of the United States when issued by a judge with general criminal jurisdiction over the criminal offense under investigation and to which such records relate. A judge with general criminal jurisdiction over the criminal offense under investigation may also issue orders for production of stored wire or electronic

communications and transactional records pertaining thereto to the extent and under the procedures and conditions provided for by the laws of the United States.

(d) A subpoena for the production of stored wire or electronic communications and transactional records pertaining thereto may be issued under the procedures for the issuance of subpoenas and to the extent and under the procedures and conditions provided for by the laws of the United States.

(e) Criminal process that authorizes or commands the seizure or production of papers, documents, records, or other things from a recipient-provider may be served by:

(1) Delivering a copy to the recipient-provider personally; or

(2) Sending a copy by:

(A) Certified or registered mail, return receipt requested;

(B) Express mail; or

(C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof of delivery.

(f) A recipient-provider who seeks to quash or otherwise challenge the criminal process must seek relief from the court of general criminal jurisdiction in the county from which the process was issued within the time required for production. The court shall hear and decide the issue as soon as practicable.

(g) When criminal process is served under subsection (e), the recipient-provider shall provide all of the papers, documents, records, or other things described in the criminal process within twenty (20) business days from the date the criminal process is received, unless:

(1) The court, for good cause shown, includes in the process a requirement for production within a period of time that is fewer than twenty (20) business days;

(2) The court, for good cause shown, includes in the process an extension of the time for production to a period of time that is more than twenty (20) business days; or

(3) The applicant consents to a request from the recipient-provider for additional time to comply with the process.

(h) Criminal process issued under this section must contain a notice on the first page of the document that indicates:

(1) That the process was issued under this section;

(2) The date before which the recipient-provider must respond to the process; and

(3) That the deadline for seeking relief is not altered by the applicant's consent to additional time to respond to the process.

(i) As used in this section, "criminal process" means a subpoena, search warrant, or other court order, or such other process authorized under the procedures and conditions provided for by the laws of the United States for the disclosure of stored wire or electronic communications and transactional records pertaining thereto.

(j) A failure to comply with criminal process issued pursuant to this section by a recipient-provider is punishable as contempt.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Timothy [signature]

Signature of Sponsor

AMEND Senate Bill No. 1194 **House Bill No. 1309***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. This act shall be known and may be cited as "Evelyn's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting the section and substituting the following:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or believes that a child under the parent's charge and care is missing, the parent shall report the child as being missing to a law enforcement agency, or the Tennessee bureau of investigation, and make a statement to the agency of all available facts that will aid in the recognition, identification, location, and recovery of the missing child.

(b) Whenever the parent knows, learns, or believes that a minor child under the parent's charge and care is missing, the parent shall make the report under subsection (a) within forty-eight (48) hours. As used in this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b) commits the offense of failure to report a missing child if the parent fails to make, or fails to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d)

(1) A parent who is subject to the duty imposed by subsection (b) is guilty of aggravated failure to report a missing child if the parent fails to make, or fails

to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child and the minor child suffers serious bodily harm or death.

(2) Aggravated failure to report a missing child is a Class C felony.

(e) This section does not prohibit prosecution under any other law.

(f) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.

Amendment No._____

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Signature of Sponsor

FILED
Date 2/27/20
Time 11:45
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1805 House Bill No. 1818*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-115, is amended by deleting the period at the end of subdivision (a)(2)(B) and adding the following:

, including any equipment, instrument, machine, or supplies designed for use, intended for use, or used to counterfeit the check of another person by taking the account and routing numbers from the other person's valid check and counterfeiting a new check containing the valid numbers.

SECTION 2. Tennessee Code Annotated, Title 45, Chapter 18, is amended by adding the following new section:

(a) This section applies to:

(1) Any company licensed pursuant to this part to engage in the business of cashing payment instruments; and

(2) Any company or business that is not a licensed check cashing company but, as part of the business of the company, engages in cashing payment instruments for consideration.

(b) This section does not apply to:

(1) Any bank, trust company, credit union, building and loan association, savings bank, or mutual bank organized under the laws of any state or the United States; and

(2) Persons who offer a check cashing service without receiving, directly or indirectly, any consideration or fee.

(c) In addition to the requirements established for licensed check companies pursuant to this part, all entities to which this section applies shall, prior to the transaction being made, require any employee of an entity who cashes payment instruments on behalf of the entity to do the following:

(1) Record information on the person wishing to cash the payment instrument if the entity does not already have the following on file:

(A) Name;

(B) Race;

(C) Sex;

(D) Height;

(E) Weight;

(F) Date of birth;

(G) Residence address; and

(H) Identification numbers from the items used as identification;

(2) Accept only one (1) of the following documents as valid form of identification:

(A) A state-issued driver license;

(B) A state-issued identification card;

(C) A passport;

(D) A valid military identification;

(E) A nonresident alien border crossing card;

(F) A resident alien border crossing card; or

(G) A United States immigration and naturalization service identification; and

(3) Record the date and amount of the payment instrument seeking to be cashed.

(d) Before the transaction is completed, the payment instrument casher shall ensure that the name the person signs or endorses on the payment instrument is the same name and visually the same signature as the name of the person's identification.

(e)

(1) It is an offense for any employee of an entity covered by subsection (a) who cashes payment instruments for consideration to cash a payment instrument if the employee knows or should know the payment instrument is fraudulent or otherwise invalid.

(2) It is an offense for any employee of an entity that cashes payment instruments and is covered by subsection (a) to cash a payment instrument without recording the information required by subdivisions (c)(1), (2), and (3), cash the payment instrument without comparing the identification signature and the payment instrument signature as required by subsection (d), or complete the transaction knowing the signatures are not the same.

(3)

(A) A violation of subdivision (e)(1) is a Class A misdemeanor.

(B) A violation of subdivision (e)(2) is a Class C misdemeanor.

(C) If the entity is licensed as a check cashing company or holds another kind of license that permits the primary operation of the entity, then, in addition to the penalties in subdivisions (e)(3)(A) and (e)(3)(B) and other licensure penalties provided by law, the license of the entity must be suspended for a period of thirty (30) days.

(D) Any consideration received for a payment instrument cashed in violation of this subdivision (e)(1) or (e)(2) must be forfeited to the state general fund.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Kelly Keisling

Signature of Sponsor

AMEND Senate Bill No. 2534 **House Bill No. 2653***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) Except for security or official law enforcement purposes, a person, including a department of correction employee, shall not take a photograph or video of an inmate serving a sentence in a state or private penal institution or facility unless prior written approval has been obtained from the commissioner of correction.

(b) Prior to approval of any photograph or video being taken of an inmate serving a sentence in a state or private penal institution, the commissioner shall:

(1) Provide the victim, or victim's representative of the offense for which the inmate is serving a sentence, notice of the request for a photograph or video to be taken of the inmate and an opportunity to inform the commissioner within fourteen (14) days of any potential impact, negative effect, or emotional trauma to the victim if a photograph or video of the inmate is published. A victim impact statement or comment provided pursuant to this section is confidential as set out in § 40-28-504; and

(2) Consider any victim impact statement or comment provided by the victim pursuant to subsection (b).

(c) If the commissioner approves the taking of a photograph or video of an inmate, then the commissioner shall document the reasoning for that decision and provide those reasons to the victim or victim's representative, in writing prior to the photograph or video of the inmate being taken.

(d) In order to be notified as provided in subsection (c), the victim or victim's representative must send the department a written statement requesting notification and providing the address at which notification is to be made.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Timothy Hill

Signature of Sponsor

AMEND Senate Bill No. 1194 **House Bill No. 1309***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. This act shall be known and may be cited as "Evelyn Boswell's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting the section and substituting the following:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or believes that a child under the parent's charge and care is missing, the parent shall report the child as being missing to a law enforcement agency, or the Tennessee bureau of investigation, and make a statement to the agency of all available facts that will aid in the recognition, identification, location, and recovery of the missing child.

(b) Whenever the parent knows, learns, or believes that a minor child under the parent's charge and care is missing, the parent shall make the report under subsection (a) within forty-eight (48) hours. As used in this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b) commits the offense of failure to report a missing child if the parent fails to make, or fails to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d)

(1) A parent who is subject to the duty imposed by subsection (b) is guilty of aggravated failure to report a missing child if the parent fails to make, or fails

to cause to be made, the report required under subsection (b) with willful or reckless disregard for the safety of the minor child and the minor child suffers serious bodily harm or death.

(2) Aggravated failure to report a missing child is a Class C felony.

(e) This section does not prohibit prosecution under any other law.

(f) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 69* **House Bill No. 310**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1)

(A) If a person is sentenced for commission of crimes committed when the person was less than eighteen (18) years of age, the person's first release eligibility date for those crimes shall occur after service of thirty (30) calendar years if the release eligibility date for the sentence or sentences imposed is greater than thirty (30) calendar years from the date of sentencing, regardless of whether the sentences were ordered to run consecutively or concurrently.

(B) In determining whether to grant parole to a person under subdivision (x)(1)(A), in addition to general parole factors, the parole board shall consider factors related to youth, including, but not limited to:

(i) The reduced ability of youth to fully understand the risks and consequences of their actions;

(ii) Lowered impulse control during youth;

(iii) The role of peer pressure or adult coercion in the commission of the offense;

(iv) The effects of trauma, adverse childhood experiences, and environmental factors beyond the youth's control;

(v) The amenability of youthful offenders to rehabilitation as a result of maturity and brain development; and

(vi) Whether the person meets the requirements of § 40-35-503, including whether:

(*a*) There is a substantial risk that the defendant will not conform to the conditions of the release program;

(*b*) The release from custody at the time would depreciate the seriousness of the crime of which the person stands convicted or promote disrespect for the law;

(*c*) The release from custody at the time would have a substantially adverse effect on institutional discipline; or

(*d*) The person's continued correctional treatment, medical care, or vocational or other training in the institution will substantially enhance the person's capacity to lead a law-abiding life when given release status at a later time.

(C) This subdivision (x)(1) does not apply to persons sentenced to life without the possibility of parole.

(2) The sentence or sentences of a person described in subdivision (x)(1) shall be reduced by any sentence reduction credits earned and retained and credit for any time served in a county jail or juvenile facility, but in no event shall these credits operate to make the person eligible for release prior to service of thirty (30) calendar years.

(3) It is the intent of the general assembly that this subsection (x) is retroactive and applies to a person described in subdivision (x)(1) whether the crime was committed prior to, on, or after July 1, 2020.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

Employee Affairs Subcommittee

Amendment Packet

3/3/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2189 **House Bill No. 2256***

by deleting the amendatory language of Section 4 and substituting the following:

(d)

(1) As used in this subsection (d), "successor in interest" means a successor in ownership of any part of a business or enterprise that is carried on and controlled in substantially the same manner as the penalized construction services provider.

(2) A penalty issued under this section must follow any owner of a business, or member of an LLC, that is closed, liquidated, or dissolved, when that owner or member owns or operates any part of a subsequent business that is carried on and controlled in substantially the same manner as the penalized construction services provider.

(3) A successor in interest to a construction service provider is liable for any penalty assessed under this section against that construction services provider.

(4) A penalized owner, or member of an LLC, of a construction services provider, or a successor in interest to the construction services provider, may appeal a penalty assessment by requesting a contested case hearing pursuant to § 50-6-412(e).

(5) The administrator or the administrator's designee may waive a penalty against a penalized owner, or member of an LLC, of a construction services provider, or successor in interest to a construction services provider, for good cause.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2189 **House Bill No. 2256***

by deleting SECTION 7 and substituting instead the following:

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to penalties assessed on or after the effective date of this act.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2190 **House Bill No. 2257***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-207(3)(B), is amended by adding the language ", or one hundred eighty (180) days after the employee reaches maximum medical improvement, whichever is later," after the word "ends" wherever it appears.

SECTION 2. Tennessee Code Annotated, Section 50-6-207(3)(D), is amended by adding the language "or one (1) year after the one hundred eighty-day period after the employee reaches maximum medical improvement, whichever is later" after the word "ends" wherever it appears.

SECTION 3. Tennessee Code Annotated, Section 50-6-801(d)(4), is amended by deleting the language "sixty (60) days" and substituting instead "one hundred eighty (180) days".

SECTION 4. Tennessee Code Annotated, Section 50-6-802(f), is amended by deleting the subsection in its entirety.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to injuries occurring on or after the effective date of this act.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2861 House Bill No. 2154*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-226(d)(1), is amended by deleting the language "may award reasonable attorneys' fees" and substituting the language "may award reasonable attorneys' fees not to exceed fifteen thousand dollars ($15,000) except as provided in subdivision (d)(3)".

SECTION 2. Tennessee Code Annotated, Section 50-6-226(d), is amended by adding the following as new subdivisions:

(3) In extraordinary cases, attorneys' fees not to exceed thirty thousand dollars ($30,000) may be awarded pursuant to this subsection (d) if the presiding workers' compensation judge determines, based on clear and convincing evidence, that limiting the attorneys' fees to fifteen thousand dollars ($15,000) is inequitable in light of the totality of the circumstances and all factors set forth in Rule 1.5 of the Tennessee Rules of Professional Conduct as adopted by Tennessee Supreme Court Rule 8. If the workers' compensation judge awards attorneys' fees exceeding fifteen thousand dollars ($15,000) pursuant to this subdivision (d)(3), then the workers' compensation judge shall make specific, documented findings of fact in the order that detail the reasons for awarding those attorneys' fees.

(4) The attorneys' fees awarded by the presiding workers' compensation judge pursuant to this subsection (d) must not be charged against or deducted from benefits otherwise due the employee.

SECTION 3. Tennessee Code Annotated, Section 50-6-226(d)(2), is amended by deleting the subdivision and substituting the following:

(2)

(A) Subdivision (d)(1)(B) applies to injuries that occur on or after July 1, 2016, but does not apply to injuries that occur after June 30, 2020.

(B) Except as provided in subdivision (d)(2)(A), this subsection (d) applies to injuries that occur on or after July 1, 2020, but does not apply to injuries that occur after June 30, 2022.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to contracts or agreements entered into on or after that date.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 1944* **House Bill No. 2054**

by deleting the language "positive drug test" wherever it appears and substituting instead the language "positive urine drug test".

AND FURTHER AMEND by adding the following language to the end of the amendatory language in Section 6:

This subsection (e) does not apply to:

(1) Employees of private businesses;

(2) Employees of the federal government; or

(3) Employees who are subject to drug testing based on federal law.

AND FURTHER AMEND by deleting the amendatory language of Section 7 and substituting instead the following:

Any drug test used for action pursuant to this section must comply with the requirements of title 50, chapter 9, including, for any state or local government employee, the requirements of § 50-9-111(e).

AND FURTHER AMEND by deleting the period at the end the amendatory language of Section 8 and substituting instead the following:

when applied to a state or local government employee.

AND FURTHER AMEND by adding the following to the end of the amendatory language in Section 10:

(c) This section does not apply to employees who are subject to drug testing based on federal law.

528

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

(MT)

Signature of Sponsor

AMEND Senate Bill No. 1944* **House Bill No. 2054**

by deleting the following language wherever it appears:

based solely on a positive urine drug test result for tetrahydrocannabinol (THC)

and substituting instead the language:

based solely on a confirmatory positive drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta 9 tetrahydrocannabinol)

House TennCare Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2078* **House Bill No. 2184**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-1504(c), is amended by deleting the subsection and substituting the following:

(c) If the quarterly transport data is not adequate or available for the calculation of assessments, then the bureau shall use total transports submitted to the office of emergency medical services for calendar year 2019. If neither the quarterly transport data nor total transports submitted to the office of emergency medical services are adequate or available, then the bureau shall use the annual cost and utilization report submitted pursuant to § 71-5-1507. The adequacy and availability of the data must be determined solely by the bureau.

SECTION 2. Tennessee Code Annotated, Section 71-5-1504, is amended by deleting subsections (f) and (g).

SECTION 3. Tennessee Code Annotated, Section 71-5-1508(d), is amended by deleting the subsection and substituting instead the following:

The ground ambulance provider assessment established by this part terminates on June 30, 2021.

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 15, is amended by adding the following as a new § 71-5-1507 and redesignating the existing § 71-5-1507 and subsequent sections:

71-5-1507.

(a) For the purposes of this part, all ambulance providers shall file an annual cost and utilization report reflecting the most recently completed calendar year.

(b) The submitted cost and utilization report must include:

(1) Specified data on any vehicle owned or operated by the ambulance provider that is used for the purposes of patient transport;

(2) Total number of manual ambulance stretchers;

(3) Total number of hydraulic ambulance stretchers;

(4) Information regarding twelve-lead cardiac capabilities;

(5) Revenue data by payer type;

(6) Total transport data by payer type; and

(7) Any additional information that is required by the bureau.

(c) The cost and utilization report must be filed with the bureau no later than May 31 of each calendar year and must contain data from the previous calendar year. The bureau shall assess a penalty of one hundred dollars ($100) for each day that an ambulance provider does not submit a cost and utilization report in compliance with this section. However, the bureau may waive, in whole or in part, any penalty upon a determination that there is good cause for the waiver. The penalty imposed by this section supersedes any penalty imposed under § 12-4-304.

(d) The comptroller of the treasury is granted audit authority to test the accuracy of any and all cost and utilization reports submitted to the bureau for the purposes of this assessment.

SECTION 5. Tennessee Code Annotated, Section 71-5-1503(b)(3), is amended by deleting the language "fund created in § 71-5-1507" and substituting the language "fund created in § 71-5-1508".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

House TennCare Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2775 **House Bill No. 2502***

by deleting subdivision (3) from the amendatory language of SECTION 1.

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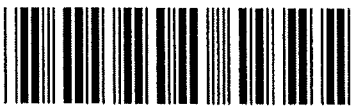
015347

House Life & Health Insurance Subcommittee Am. # 1

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2132 **House Bill No. 2162***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding the following as a new section:

56-7-2509.

(a) As used in this section:

(1) "Advanced metastatic cancer" means cancer that spreads from the primary or original site to the nearby tissues, lymph nodes, or other parts of the body;

(2) "Associated conditions" means the symptoms or side effects associated with advanced metastatic cancer, or its treatment, that in the judgment of a healthcare practitioner, further jeopardize the health of a patient if left untreated;

(3) "Health benefit plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services; and

(4) "Health carrier" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit

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hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or healthcare services.

(b) If a health benefit plan provides coverage for advanced metastatic cancer and associated conditions, then the health benefit plan shall not require, before providing coverage of a prescription drug approved by the United States food and drug administration, that an enrollee:

(1) Fails to successfully respond to a different drug; or

(2) Proves a history of failure of a different drug.

(c) This section applies only to the use of a drug that is:

(1) Consistent with best practices for the treatment of advanced metastatic cancer or an associated condition;

(2) Supported by peer-reviewed, evidence-based literature; and

(3) Approved by the United States food and drug administration.

(d) This section applies to any health benefit plan offered by any state or local insurance program under title 8, chapter 27.

(e) Notwithstanding § 56-7-1005, this section does not apply to:

(1) The TennCare program under title 71, chapter 5, part 1, or any successor medicaid program under title 71, chapter 5; or

(2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or any successor program.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to all health benefit plans entered into, renewed, amended, or delivered on or after that date.

House Life & Health Insurance Subcommittee Am. # 1

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1892 **House Bill No. 1699***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection (h) and redesignating the existing subsection (h) accordingly:

(h) Telehealth is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as a new subdivision:

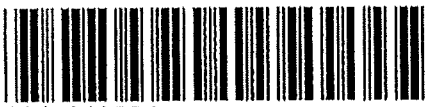
( ) "Originating site" means the location where a patient is located pursuant to subdivision (a)(6)(A) and that originates a telehealth service to another qualified site;

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(e), is amended by deleting the language "A health insurance entity shall provide coverage for healthcare services" and substituting instead the language "A health insurance entity shall provide coverage and reimbursement for healthcare services".

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(f), is amended by deleting the subsection and substituting the following:

(f) Except as provided in SECTION 6, this section does not require a health insurance entity to pay total reimbursement for a telehealth encounter, including the use of telehealth equipment, in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider in an in-person encounter.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:



(h)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 6. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection:

A health insurance entity shall reimburse an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with Centers for Medicare and Medicaid services telehealth services rule 42 C.F.R. § 410.78 and the amount established for the medicare telehealth originating facility fee for calendar year 2020 as of November 15, 2019, published in the Federal Register at 84 F.R. 62568.

SECTION 7. Tennessee Code Annotated, Section 56-7-1003, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Health insurance entity" has the same meaning as defined in § 56-7-109 and includes managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in § 56-61-102;

(3) "Healthcare services provider" means an individual acting within the scope of a valid license issued pursuant to title 63 or any state-contracted crisis service provider employed by a facility licensed under title 33;

(4) "Healthcare system" means two (2) or more healthcare organizations as defined in § 63-1-150, that are affiliated through shared ownership or pursuant to a contractual relationship that controls payment terms and service delivery;

(5) "Practice group" means two (2) or more healthcare services providers that share a common employer for the purposes of the healthcare services providers' clinical practice;

(6) "Provider-based telemedicine":

(A) Means the use of Health Insurance Portability and Accessibility Act (HIPAA) (42 U.S.C. § 1320d et seq.) compliant real-time, interactive audio, video telecommunication, or electronic technology, or store-and-forward telemedicine services, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The healthcare services provider is at a qualified site other than the site where the patient is located and has access to the relevant medical record for that patient;

(ii) The patient is located at a location the patient deems appropriate to receive the healthcare service that is equipped to engage in the telecommunication described in this section; and

(iii) The healthcare services provider makes use of HIPAA compliant real-time, interactive audio, video telecommunication or electronic technology, or store-and-forward telemedicine services to deliver healthcare services to a patient within the scope of

practice of the healthcare services provider as long as the healthcare services provider, the healthcare services provider's practice group, or the healthcare system has established a provider-patient relationship by submitting to a health insurance entity evidence of an in-person encounter between the healthcare service provider, the healthcare services provider's practice group, or the healthcare system and the patient within eighteen (18) months prior to the interactive visit; and

(B) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message or phone text message;

(iii) A facsimile transmission;

(iv) Remote patient monitoring; or

(v) Healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider-based telemedicine as the substantial portion of the entity's business;

(7) "Qualified site" means the primary or satellite office of a healthcare services provider, a hospital licensed under title 68, a facility recognized as a rural health clinic under federal medicare regulations, a federally qualified health center, a facility licensed under title 33, or any other location deemed acceptable by the health insurance entity; and

(8) "Store and forward telemedicine services":

(A) Means the use of asynchronous computer-based communications between a patient and healthcare services provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients; and

(B) Includes the transferring of medical data from one (1) site to another through the use of a camera or similar device that records or stores an image that is sent or forwarded via telecommunication to another site for consultation.

(b) Healthcare services provided through a provider-based telemedicine encounter must comply with state licensure requirements promulgated by the appropriate licensure boards. Provider-based telemedicine providers are held to the same standard of care as healthcare services providers providing the same healthcare service through in-person encounters.

(c) A provider-based telemedicine provider who seeks to contract with or who has contracted with a health insurance entity to participate in the health insurance entity's network is subject to the same requirements and contractual terms as any other healthcare services provider in the health insurance entity's network.

(d) A health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through provider-based telemedicine;

(2) Shall reimburse a healthcare services provider for a healthcare service covered under an insured patient's health insurance policy or contract that is provided through provider-based telemedicine without any distinction or consideration of the geographic location or any federal, state, or local designation, or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through provider-based telemedicine and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for provider-based telemedicine care services under the same reimbursement policies applicable to other out-of-network healthcare services providers.

(e) A health insurance entity shall provide coverage and reimbursement for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a provider-based telemedicine encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(f) This section does not require a healthcare services provider to submit a claim for reimbursement to a health insurance entity for provider-based telemedicine services performed under subsection (e).

(g) This section does not require a health insurance entity to pay total reimbursement for a provider-based telemedicine encounter in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider for an in-person encounter.

(h) Any provisions not required by this section are governed by the terms and conditions of the health insurance policy or contract.

(i) Provider-based telemedicine is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(j)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section, "remote patient monitoring services" means using digital technologies to collect medical and other forms of health data from a patient and then electronically transmitting that information securely to healthcare providers in a different location for interpretation and recommendation.

(b) A health insurance entity shall consider any remote patient monitoring service a covered medical service if the same service is covered by medicare. The appropriate parties shall negotiate the rate for these services in the manner in which is deemed appropriate by the parties.

(c) Remote patient monitoring services are subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(d) This section does not apply to a health incentive program operated by a health insurance entity that utilizes an electronic device for physiological monitoring.

SECTION 9. Tennessee Code Annotated, Section 63-1-155(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) "Telehealth", "telemedicine", and "provider-based telemedicine" mean, notwithstanding any restriction imposed by § 56-7-1002 or § 56-7-1003:

(A) The use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient; or

(B) Store-and-forward telemedicine services, as defined in § 56-7-1002, for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

SECTION 10. This act shall take effect July 1, 2021, the public welfare requiring it, and shall apply to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1892 **House Bill No. 1699***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection (h) and redesignating the existing subsection (h) accordingly:

(h) Telehealth is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as a new subdivision:

( ) "Originating site" means the location where a patient is located pursuant to subdivision (a)(6)(A) and that originates a telehealth service to another qualified site;

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(e), is amended by deleting the language "A health insurance entity shall provide coverage for healthcare services" and substituting instead the language "A health insurance entity shall provide coverage and reimbursement for healthcare services".

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(f), is amended by deleting the subsection and substituting the following:

(f) Except as provided in SECTION 6, this section does not require a health insurance entity to pay total reimbursement for a telehealth encounter, including the use of telehealth equipment, in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider in an in-person encounter.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:

(h)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 6. Tennessee Code Annotated, Section 56-7-1002, is amended by adding the following as a new subsection:

A health insurance entity shall reimburse an originating site hosting a patient as part of a telehealth encounter an originating site fee in accordance with Centers for Medicare and Medicaid services telehealth services rule 42 C.F.R. § 410.78 and at an amount established by the Centers for Medicare and Medicaid services.

SECTION 7. Tennessee Code Annotated, Section 56-7-1003, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Health insurance entity" has the same meaning as defined in § 56-7-109 and includes managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in § 56-61-102;

(3) "Healthcare services provider" means an individual acting within the scope of a valid license issued pursuant to title 63 or any state-contracted crisis service provider employed by a facility licensed under title 33;

(4) "Healthcare system" means two (2) or more healthcare organizations as defined in § 63-1-150, that are affiliated through shared ownership or pursuant to a contractual relationship that controls payment terms and service delivery;

(5) "Practice group" means two (2) or more healthcare services providers that share a common employer for the purposes of the healthcare services providers' clinical practice;

(6) "Provider-based telemedicine":

(A) Means the use of Health Insurance Portability and Accessibility Act (HIPAA) (42 U.S.C. § 1320d et seq.) compliant real-time, interactive audio, video telecommunication, or electronic technology, or store-and-forward telemedicine services, used over the course of an interactive visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The healthcare services provider is at a qualified site other than the site where the patient is located and has access to the relevant medical record for that patient;

(ii) The patient is located at a location the patient deems appropriate to receive the healthcare service that is equipped to engage in the telecommunication described in this section; and

(iii) The healthcare services provider makes use of HIPAA compliant real-time, interactive audio, video telecommunication or electronic technology, or store-and-forward telemedicine services to deliver healthcare services to a patient within the scope of

practice of the healthcare services provider as long as the healthcare services provider, the healthcare services provider's practice group, or the healthcare system has established a provider-patient relationship by submitting to a health insurance entity evidence of an in-person encounter between the healthcare service provider, the healthcare services provider's practice group, or the healthcare system and the patient within eighteen (18) months prior to the interactive visit; and

(B) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message or phone text message;

(iii) A facsimile transmission;

(iv) Remote patient monitoring; or

(v) Healthcare services provided pursuant to a contractual relationship between a health insurance entity and an entity that facilitates the delivery of provider-based telemedicine as the substantial portion of the entity's business;

(7) "Qualified site" means the primary or satellite office of a healthcare services provider, a hospital licensed under title 68, a facility recognized as a rural health clinic under federal medicare regulations, a federally qualified health center, a facility licensed under title 33, or any other location deemed acceptable by the health insurance entity; and

(8) "Store and forward telemedicine services":

(A) Means the use of asynchronous computer-based communications between a patient and healthcare services provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients; and

(B) Includes the transferring of medical data from one (1) site to another through the use of a camera or similar device that records or stores an image that is sent or forwarded via telecommunication to another site for consultation.

(b) Healthcare services provided through a provider-based telemedicine encounter must comply with state licensure requirements promulgated by the appropriate licensure boards. Provider-based telemedicine providers are held to the same standard of care as healthcare services providers providing the same healthcare service through in-person encounters.

(c) A provider-based telemedicine provider who seeks to contract with or who has contracted with a health insurance entity to participate in the health insurance entity's network is subject to the same requirements and contractual terms as any other healthcare services provider in the health insurance entity's network.

(d) A health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through provider-based telemedicine;

(2) Shall reimburse a healthcare services provider for a healthcare service covered under an insured patient's health insurance policy or contract that is provided through provider-based telemedicine without any distinction or consideration of the geographic location or any federal, state, or local designation, or classification of the geographic area where the patient is located;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through provider-based telemedicine and is not provided through an in-person encounter between a healthcare services provider and a patient; and

(4) Shall reimburse healthcare services providers who are out-of-network for provider-based telemedicine care services under the same reimbursement policies applicable to other out-of-network healthcare services providers.

(e) A health insurance entity shall provide coverage and reimbursement for healthcare services provided during a provider-based telemedicine encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service, and shall reimburse for healthcare services provided during a provider-based telemedicine encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

(f) This section does not require a healthcare services provider to submit a claim for reimbursement to a health insurance entity for provider-based telemedicine services performed under subsection (e).

(g) This section does not require a health insurance entity to pay total reimbursement for a provider-based telemedicine encounter in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider for an in-person encounter.

(h) Any provisions not required by this section are governed by the terms and conditions of the health insurance policy or contract.

(i) Provider-based telemedicine is subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(j)

(1) This section does not apply to accident-only, specified disease, hospital indemnity, plans described in § 1251 of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended and § 2301 of the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, as amended (both in 42 U.S.C. § 18011), plans governed by the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001 et seq.), medicare supplement, disability income, long-term care, or other limited benefit hospital insurance policies.

(2) This section does apply to the basic health plans authorized under title 8, chapter 27, parts 1, 2, 3, and 7.

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section, "remote patient monitoring services" means using digital technologies to collect medical and other forms of health data from a patient and then electronically transmitting that information securely to healthcare providers in a different location for interpretation and recommendation.

(b) A health insurance entity shall consider any remote patient monitoring service a covered medical service if the same service is covered by medicare. The appropriate parties shall negotiate the rate for these services in the manner in which is deemed appropriate by the parties.

(c) Remote patient monitoring services are subject to utilization review under the Health Care Service Utilization Review Act, compiled in chapter 6, part 7 of this title.

(d) This section does not apply to a health incentive program operated by a health insurance entity that utilizes an electronic device for physiological monitoring.

SECTION 9. Tennessee Code Annotated, Section 63-1-155(a), is amended by deleting subdivision (2) and substituting instead the following:

(2) "Telehealth", "telemedicine", and "provider-based telemedicine" mean, notwithstanding any restriction imposed by § 56-7-1002 or § 56-7-1003:

(A) The use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient; or

(B) Store-and-forward telemedicine services, as defined in § 56-7-1002, for the purpose of diagnosis, consultation, or treatment of a patient in another location where there may be no in-person exchange.

SECTION 10. This act shall take effect July 1, 2021, the public welfare requiring it, and shall apply to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

3/2/20
8:55 am

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1892 **House Bill No. 1699***

by deleting the amendatory language of Section 4 and substituting the following:

(f) This section does not require a health insurance entity to pay total reimbursement for a telehealth encounter, including the use of telehealth equipment, in an amount that exceeds the amount that would be paid for the same service provided by a healthcare services provider in an in-person encounter.

AND FURTHER AMEND by deleting the language "and reimbursement" from subsection (e) of Section 7.

AND FURTHER AMEND by deleting Section 3 and renumbering the remaining sections accordingly.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2199 House Bill No. 2266*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 15-2-101, is amended by deleting the language "it is the duty of the governor of this state to proclaim the following as" and substituting instead the language "the following days are"; and is further amended by deleting the language "governor shall invite the people of this state" and substituting instead the language "people of this state are invited".

SECTION 2. Tennessee Code Annotated, Section 15-2-102, is amended by deleting ""Mothers' Day," to be proclaimed as such by the governor" and substituting instead ""Mothers' Day"".

SECTION 3. Tennessee Code Annotated, Section 15-2-106, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) The people of this state are invited and urged to observe American Indian Day with suitable ceremony and fellowship.

(c) The department of education shall provide, within the limits of funds available for such purpose, information available to all people of this state regarding American Indian Day.

SECTION 4. Tennessee Code Annotated, Sections 15-2-104, 15-2-105, 15-2-108, 15-2-109, 15-2-110, 15-2-111, 15-2-122, 15-2-128, and 15-2-130, are amended by deleting "to be proclaimed as such by the governor" wherever it appears in each section.

SECTION 5. Tennessee Code Annotated, Sections 15-2-112, 15-2-113, 15-2-114, 15-2-115, 15-2-116, 15-2-117, 15-2-118, 15-2-119, 15-2-120, 15-2-121, 15-2-123, 15-2-124, 15-2-

125, 15-2-126, 15-2-127, 15-2-129, 15-2-131, 15-2-132, and 15-2-133, are amended by deleting "to be proclaimed as such by the governor," wherever it appears in each section.

SECTION 6. The Tennessee Code Commission is directed to remove the language "to be proclaimed as such by the governor" or "to be proclaimed as such by the governor," when it appears in an act proclaiming a special day, week, or month as a special time period of observance that was enacted by the 111th General Assembly.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2266 - SB 2199

February 28, 2020

SUMMARY OF ORIGINAL BILL: Removes Nathan Bedford Forrest Day as a day of special observance.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015180): Deletes all language after the enacting clause. Removes the requirement that the Governor proclaim official days of special observance. Directs the Tennessee Code Commission to remove the language "to be proclaimed by the Governor" when it appears in an act proclaiming a special day, week, or month as a special time period of observance that was enacted by the 111th General Assembly.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Removing such requirement will have no significant fiscal impact on state government.
- The Code Commission can complete the urged action utilizing existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jdb

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

Mary Lith

Signature of Sponsor

AMEND Senate Bill No. 2635 **House Bill No. 2586***

by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 15, Chapter 2, is amended by adding the following as a new section:

August 18 of each year is to be observed as "Women's Suffrage Day".

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2586 - SB 2635

February 25, 2020

SUMMARY OF ORIGINAL BILL: Designates August 18th of each year as Women's Suffrage Day.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015387): Deletes and rewrites language in the bill to remove the required proclamation by the Governor.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- The proposed legislation does not declare a legal holiday as defined in Tenn. Code Ann. § 15-1-101; therefore, the fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jdb

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Pat Marsh

Signature of Sponsor

AMEND Senate Bill No. 1645* **House Bill No. 1695**

by deleting "ten percent (10%)" wherever it appears in Section 2 and substituting instead "seven and one-half percent (7.5%)".

AND FURTHER AMEND by deleting Section 5 and substituting instead the following:

SECTION 5. All operators who lease, rent, or charge for any rooms or spaces in hotels within the county shall remit the tax collected from transients to the clerk not later than the twentieth day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for the occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county shall be that of the operator.

AND FURTHER AMEND by deleting the following in subsection (a) of Section 10:

For the clerk's services in administering and enforcing the provisions of this act, the clerk shall be entitled to retain as a commission five percent (5%) of the taxes so collected.

Safety & Funding Subcommittee

Tuesday, March 3, 2020

Amendment Packet

6 Total

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2905 **House Bill No. 1696***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-4-103, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Notwithstanding subsection (a), this chapter does not extend to any common or contract carrier that is considered a public utility and engaged principally in interstate commerce, the governance or regulation of which is vested in the federal motor carrier safety administration.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1696 - SB 2905

March 2, 2020

SUMMARY OF ORIGINAL BILL: Requires the Department of Transportation (TDOT) to submit common carrier company reports to the Comptroller of the Treasury and the Chairs of the Transportation Committee of the House of Representatives and the Transportation and Safety Committee of the Senate within 60 days of receipt.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015327): Deletes all language after the enacting clause. Clarifies that a common or contract carrier that is considered a public utility and engaged principally in interstate commerce is not governed by Tennessee Public Utility Commission.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 65-4-103, the regulation of public utilities by the Tennessee Public Utility Commission shall be construed to apply to and affect only public utilities which furnish products or services within the state, and shall not be construed to extend to any public utility engaged in interstate commerce the government or regulation of which jurisdiction is vested in the interstate commerce commission or other federal board or commission.
- A common or contract carrier that is considered a public utility and engaged principally in interstate commerce, the governance or regulation of which is vested in the Federal Motor Carrier Safety Administration, by definition, engaged in interstate commerce the government or regulation of which jurisdiction is vested in the interstate commerce commission or other federal board or commission.
- There will not be a significant fiscal impact on state government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

Hulsey

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1748 **House Bill No. 1616***

by adding the following new subdivision to the amendatory language of SECTION 1:

(10) Persons who are operators of tow trucks or wreckers while engaged in providing automotive towing services for law enforcement agencies, automobile clubs, or third-party dispatch services;

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1616 - SB 1748

February 11, 2020

SUMMARY OF ORIGINAL BILL: Exempts transportation network company, taxicab, limousine, and other for-hire vehicle drivers from the prohibition of holding a wireless telecommunication device while operating a motor vehicle, if they are engaged in transportation services.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – Exceeds $4,000/FY20-21 and Subsequent Years

Decrease Local Revenue – Exceeds $800/FY20-21 and Subsequent Years

SUMMARY OF AMENDMENT (014605): Adds language to the original bill to exempt persons who are operators of tow trucks or wreckers from the prohibition of holding a wireless telecommunication device while operating a motor vehicle, if they are engaged in transportation services.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 55-8-199(d), a person, while operating a motor vehicle on any road or highway in this state, shall not physically hold or support, with any part of the person's body, wireless telecommunications device, with the exception of:
    - Law enforcement officers;
    - Campus police officers and public safety officers;
    - Emergency medical technicians, emergency medical technician-paramedics, and firefighters;
    - Emergency management agency officers;
    - Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;
    - Employees or contractors of utility services; and

    - Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.
- A violation is a Class C misdemeanor, subject only to imposition of a fine not to exceed $50. However, if the violation is the person's third or subsequent offense or if the violation results in an accident, the fine is $100 or if the violation occurs in a work zone, it is $200. Any person violating this section is subject to the imposition of court costs not to exceed $10.
- Since the hands-free law went into effect on July 1, 2019, the Tennessee Highway Patrol has issued more than 7,500 citations.
- It can be reasonably assumed that a full fiscal year would result in at least 12,000 citations issued.
- Of the estimated 12,000 citations, the total of those that would be transportation network company, taxicab, limousine, other for-hire vehicle drivers, and tow truck and wrecker operators is unquantifiable, but it can be reasonably estimated that at least 200 would meet the requirements of this distinction.
- California was one of the first states to pass similar legislation. According to the California Office of Traffic Safety's *Observational Study of Handheld Cellphone and Texting Use Among California Drivers 2017 Summary Report*, hand-held cellphone usage fell from 7.6 percent to 3.6 percent in one year following the passage of the law.
- Given the above information and the increasing access to hands-free technology, it is reasonably estimated there will be an approximant 50 percent reduction in the use of and citations issued for talking on a hand-held mobile telephone under existing law by FY20-21, resulting in an expected 100 citations (200 x 50%) that would have been issued to transportation network company, taxicab, limousine, other for-hire vehicle drivers, and tow truck and wrecker operators.
- Twenty percent of fines are assumed to go unpaid due to indigence.
- Assuming that 100 citations would be simple, first time violations, the recurring decrease in state revenue in FY20-21 and subsequent years is estimated to be at least $4,000 [($50 x 100) x 80%].
- Under the provisions of Tenn. Code Ann. § 55-8-199(c), a violation is subject to the imposition of court costs up to $10. It can be reasonably estimated that the court cost imposed will be $10.
- In FY20-21 and subsequent years, the total decrease in local revenue is estimated to be at least $800 [($10 x 100) x 80%].

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

Amendment No. 1

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2714 House Bill No. 2867*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 21, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "2020 Precious Cargo Act."

(b) The purpose of this section is to empower citizens to communicate specific needs to law enforcement and first responders.

(c) At the time of initial application for the registration of a motor vehicle under this part, or upon renewal, an owner or lessee of a motor vehicle who needs assistance with expressive language or communicating needs to a first responder, including a law enforcement officer, during a traffic stop or welfare check, may request that the department include a designation of such need for assistance in the Tennessee Vehicle Title and Registration System (VTRS) database. The registrant's request must be accompanied by a physician's statement supporting the registrant's request for a designation. Upon receipt of such a request accompanied by a valid physician's statement, the department shall cause the registrant's status to be entered into the VTRS database, and ensure such designation is associated with the applicant's motor vehicle and registration.

(d) Information submitted to the department under this section must be supplied to law enforcement to assist in identifying the operator of the vehicle as possibly needing such assistance. Information collected pursuant to this section must only be available to

law enforcement for the purpose of ensuring safe and efficient interactions between law enforcement and persons who have such need for assistance, and must not be used for any other purpose.

(e) All law enforcement officers charged with the enforcement of this title and emergency call takers and public safety dispatchers, as described in § 7-86-205, shall receive instruction in the identification of such designation included in the VTRS database as provided for in this section.

(f) The commissioner is authorized to adopt policies and procedures as necessary to effectuate the purposes of this section.

(g) The commissioner of revenue is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, necessary to carry out this section.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2867 - SB 2714

March 1, 2020

SUMMARY OF ORIGINAL BILL: Defines "physician" as a person who is licensed or permitted to practice medical care under title 63, chapters 6 and 9 of the Tennessee Code Annotated, and who is in good standing for purposes of a deaf or hard of hearing person presenting a physician's statement seeking a designation as such in the Tennessee Vehicle Title and Registration System database.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015316): Deletes all language after the enacting clause. Creates the *2020 Precious Cargo Act* (Act). Authorizes the Commissioner of Revenue to adopt policies and procedures to update the Tennessee Vehicle Title and Registration System (VTRS) database to account for persons who need assistance with expressive language or communicating needs to a first responder or law enforcement officer.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Any necessary changes to be made to the VTRS are estimated to be absorbable within existing Department of Revenue staff and resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/abw

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2901 **House Bill No. 2557***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 4, Part 1, is amended by adding the following language as a new section:

(a) Notwithstanding any law to the contrary, an electric scooter for public rental is subject to registration.

(b) The commissioner shall by rule provide for the manner in which applications are to be made, the conditions under which certificates of registration and registration decals are issued and renewed, and how registration decals are to be displayed on an electric scooter.

(c) All certificates of registration and registration decals issued under this section expire at twelve o'clock (12:00) midnight on March 31 of each year. These certificates of registration and registration decals must be available for renewal and purchase commencing on March 1 of each year.

(d) It is unlawful for an owner of an electric scooter to rent the scooter to any person, or to make the scooter available for rent, unless the scooter is registered and displaying a valid registration decal.

(e) It is unlawful to knowingly remove a registration decal from an electric scooter for the purpose of selling the decal, intending the scooter to appear to be unregistered, attaching the decal to another electric scooter, or otherwise using the decal to circumvent or avoid the vehicle registration laws of this chapter.

(f) A violation of subsection (d) or (e) is a Class A misdemeanor.

(g) For purposes of this section, "electric scooter" has the same meaning as defined in § 55-8-101.

SECTION 2. Tennessee Code Annotated, Section 55-4-111(a)(1), is amended by adding the following language to the table in the subdivision:

Class (I) Electric scooter for public rental - registration fee ..... $ 14.50

SECTION 3. Tennessee Code Annotated, Section 55-4-207(a), is amended by deleting the subsection and substituting instead the following:

(a) Except as provided in Section 1 of this act and notwithstanding § 55-4-104 or other provisions of part 1 of this chapter, all license plates issued under this part and certificates of registration shall not expire on March 31 of each year, but instead expire pursuant to subsection (b).

SECTION 4. Tennessee Code Annotated, Section 55-8-208, is amended by deleting the section and substituting instead the following:

(a) Section 55-8-302 applies to an electric scooter and any person operating an electric scooter; except, that an electric scooter for public rental is subject to registration under Section 1 of this Act.

(b) Nothing in this section or § 55-8-302 preempts a county, municipality, or metropolitan form of government, by ordinance of its legislative body, from regulating, controlling, or banning the use and operation of electric scooters for public rental within the geographic boundaries of the county, municipality, or metropolitan government. The ordinances must be reasonably related to promotion and protection of the health, safety, and welfare of riders, pedestrians, and motorists.

(c) In regulating electric scooters for public rental, a county, municipality, or metropolitan form of government may regulate the owner or operator of a system holding electric scooters out for rent to the public by requiring the owner or operator to obtain permits for the operation of their systems, and allowing them to retain those permits conditioned on their compliance with criteria and standards set by the county,

municipality, or metropolitan form of government that are reasonably related to promotion and protection of the health, safety, and welfare of riders, pedestrians, and motorists.

(d)

(1) A county, municipality, or metropolitan form of government may charge a permit fee and a reasonable administrative fee to the owner or operator of a rental system for electric scooters.

(2) The permit fee shall be in addition to any fee charged pursuant to Sections 1, 5, and 6, and in an amount designed to enable the county, municipality, or metropolitan form of government to cover all costs reasonably related to the promotion and protection of the health, safety, and welfare of riders, pedestrians, and motorists in connection with the operation of rental systems for electric scooters.

(3) The owner or operator's first-year permit fee is ten thousand dollars ($10,000), and the permit renewal fee for any subsequent year is one thousand dollars ($1,000); except, that a higher amount may be charged if necessary to cover all such costs; provided, that the permit renewal fee shall not exceed ten thousand dollars ($10,000).

SECTION 5. Tennessee Code Annotated, Title 6, Chapter 55, Part 5, is amended by adding the following language as a new section:

(a) Notwithstanding any law to the contrary, a municipality is authorized to subject electric scooters for public rental to local registration.

(b) Upon passage of an ordinance by the local legislative body requiring local registration of electric scooters for public rental, the municipality shall provide for the manner in which applications are to be made, the conditions under which certificates of registration and registration decals are issued and renewed, and how registration decals are to be displayed on an electric scooter.

(c) All certificates of registration and registration decals issued under this section expire at twelve o'clock (12:00) midnight on March 31 of each year. These certificates of registration and registration decals must be available for renewal and purchase commencing on March 1 of each year.

(d) The fee for issuance of the certificate and decal is not to exceed the amount of the state registration fee for an electric scooter for public rental under § 55-4-111(a)(1).

SECTION 6. Tennessee Code Annotated, Title 7, Chapter 3, Part 2, is amended by adding the following language as a new section:

(a) Notwithstanding any law to the contrary, a county having a metropolitan form of government is authorized to subject electric scooters for public rental to local registration.

(b) Upon passage of an ordinance by the local legislative body requiring local registration of electric scooters for public rental, the county having a metropolitan form of government shall provide for the manner in which applications are to be made, the conditions under which certificates of registration and registration decals are issued and renewed, and how registration decals are to be displayed on an electric scooter.

(c) All certificates of registration and registration decals issued under this section expire at twelve o'clock (12:00) midnight on March 31 of each year. These certificates of registration and registration decals must be available for renewal and purchase commencing on March 1 of each year.

(d) The fee for issuance of the certificate and decal is not to exceed the amount of the state registration fee for an electric scooter for public rental under § 55-4-111(a)(1).

SECTION 7. For purposes of enforcing criminal offenses established in Section 1, this act shall take effect April 1, 2021, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2557 - SB 2901

March 1, 2020

SUMMARY OF ORIGINAL BILL: Extends, from February 15 to March 1, the date by which each motor vehicle dealer is required to submit an annual sales report including the number of vehicles sold and number of dealer registration plates issued to the dealer in the preceding calendar year to the Motor Vehicle Commission (MVC).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015391): Deletes all language after the enacting clause. Requires electric scooters to obtain certificates or registration and registration decals from the Department of Revenue (DOR) after payment of a registration fee. Authorizes local governments to assess permit and administration fees, in addition to local registration fees, to owners or operators of electric scooters. Establishes a Class A misdemeanor for failure to obtain proper registration for electric scooters.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –
Exceeds $99,500/FY20-21 and Subsequent Years/Highway Fund
Exceeds $2,000/FY20-21 and Subsequent Years/General Fund

Increase Local Revenue –
Exceeds $17,500/FY20-21 and Subsequent Years
Exceeds $191,500/FY20-21/Permissive
Exceeds $110,500/FY21-22 and Subsequent Years/Permissive

Assumptions for the bill as amended relative to state registration of electric scooters:

- The proposed language:
  - Establishes a registration decal fee of $14.50 to be assessed by the DOR; and
  - Establishes that such registrations are issued from March 1 to March 31 in each year, beginning in March 2021.
- According to the DOR:
  - The DOR will issue the same decals currently utilized for motor vehicle registration for electric scooter registration;

- Ninety-eight percent of revenue from such registrations is deposited into the highway fund and two percent is deposited into the state general fund; and
- County clerks will be utilized in the same manner as motor vehicle registration.

- This analysis assumes there are approximately 7,000 scooters operating statewide in Tennessee. This number is assumed to remain constant.
- The proposed language will result in a recurring increase in state revenue estimated to exceed $99,470 [(7,000 scooters x $14.50) x 98.0%] to the highway fund and $2,030 [(7,000 scooters x $14.50) x 2.0%] to the general fund, beginning in FY20-21.
- Pursuant to Tenn. Code Ann. § 55-6-104(a)(1), for issuing certificates of registration for motor vehicles for the DOR, county clerks assess a fee of $2.50 per registration issued. Assessment of $2.50 per registration will result in a recurring increase in local revenue estimated to exceed $17,500 (7,000 x $2.50), beginning in FY20-21.

Assumptions for the bill as amended relative to local registration of electric scooters:

- The proposed language:
  - Establishes a registration decal fee of $14.50 to be assessed by the DOR; and
  - Authorizes local governments to assess local registration fees in an amount not to exceed the registration fee charged by DOR.
- This analysis assumes local governments will assess the maximum fee allowable for local registration and will issue the same decals currently utilized for motor vehicle registration for electric scooter registration.
- Local governments will assess $14.50 as a local registration fee. The registration fee will result in a permissive recurring increase in local revenue estimated to exceed $101,500 (7,000 x $14.50), with revenues being collected each year in March, beginning in FY20-21.

Assumptions for the bill as amended relative to violations:

- The proposed language establishes that removal of a registration decal from an electric scooter for the purpose of selling the decal, attaching the decal to another electric scooter, or using the decal to circumvent or avoid the vehicle registration is punishable as a Class A misdemeanor.
- Pursuant to Tenn. Code Ann. § 40-35-111(e)(1), the authorized terms of imprisonment and fines for a Class A misdemeanor is a maximum of 11 months, 29 days in jail or a fine not to exceed $2,500, or both.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase local revenue.
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.

Assumptions for the bill as amended relative to local permit fees:

- The proposed language:
  - Authorizes local governments to assess an initial permit fee of $10,000 to electric scooter business owners;
  - Authorizes local governments to assess an annual permit renewal fee from $1,000 to $10,000; and
- This analysis assumes:
  - There are six electric scooter businesses currently in Nashville, Memphis, and Knoxville, with some businesses operating in more than one of these cities;
  - Of these businesses, five operate in Nashville, three in Memphis, and one in Knoxville;
  - Expenditures associated with additional local staffing needed to effectuate the registration and permit process will be offset by permit fees.
- Permit fees will result in a permissive one-time increase in local government revenue estimated to be $90,000 [($10,000 per business x 5 in Nashville) + ($10,000 per business x 3 in Memphis) + ($10,000 per business x 1 in Knoxville)] in FY20-21.
- Permit renewal fees will result in a permissive recurring increase in local government revenue estimated to exceed $9,000 [($1,000 per business x 5 in Nashville) + ($1,000 per business x 3 in Memphis) + ($1,000 per business x 1 in Knoxville)], beginning in FY21-22.

Assumptions for the bill as amended for total state and local impact:

- A recurring increase in state revenue estimated to exceed $99,470 [(7,000 scooters x $14.50) x 98.0%] to the highway fund and $2,030 [(7,000 scooters x $14.50) x 2.0%] to the general fund, beginning in FY20-21.
- A recurring increase in local revenue estimated to exceed $17,500 for county clerk registration fees assessed for certification of state registration, beginning in FY20-21.
- Apermissive increase in local revenue estimated to exceed $191,500 ($101,500 local registration fee + $90,000 initial permit fee) in FY20-21.
- A permissive recurring increase in local revenue estimated to exceed $110,500 ($101,500 local registration fee + $9,000 permit renewal fee) beginning in FY21-22.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jrh

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

Barbara Cooper

Signature of Sponsor

AMEND Senate Bill No. 2026 **House Bill No. 1888***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 4, is amended by adding the following as a new section:

At least one (1) of the driver license testing stations within each grand division of the state that conducts commercial driver license (CDL) tests must be located within a reasonable distance from the municipality in that grand division that has the highest population.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1888 - SB 2026

February 27, 2020

SUMMARY OF ORIGINAL BILL: Requires at least one driver license testing station that conducts commercial driver license (CDL) tests to be located in each grand division.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015411): Deletes all language after the enacting clause. Requires at least one driver license testing station that conducts CDL tests to be located in each grand division within a reasonable distance of the municipality in that grand division that has the highest population.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- There are currently seven driver service centers that offer CDL Skills tests. They are: Chattanooga, Columbia, Cookeville, Jackson, Johnson City, Knoxville, and the Davidson County Driver Service Centers.
- Between these seven centers, there is at least one in each of the three grand divisions.
- Of the three grand divisions, the municipalities with the highest populations are Knoxville in the East, Nashville in the Middle, and Memphis in the West.
- Knoxville and Nashville both offer CDL skills testing at their driver license testing station.
- A reasonable distance is not defined; however, the Jackson driver license testing station is approximately 55 miles from the city limits of Memphis.
- Assuming that is considered a reasonable distance, this legislation will not result in a significant impact to state expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Dan Howell
Signature of Sponsor

AMEND Senate Bill No. 1608 **House Bill No. 1594***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-7-201, is amended by deleting subsection (c) and substituting instead the following:

(c) Motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system; provided, that the towed vehicle shall not exceed fifty-two feet (52′) in length from the point of attachment to the tractor. If the towed vehicle exceeds forty-eight feet (48′) in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, or motor vehicles, or any combination of such items, the distance between the kingpin and a point midway between the two (2) rear axles shall not exceed forty-one feet (41′). The distance between the kingpin and the rear most axle, if the axles are not a tandem axle, shall not exceed forty-four feet (44′).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1594 - SB 1608

February 27, 2020

SUMMARY OF ORIGINAL BILL: Requires the Commissioner of the Department of Transportation (TDOT) to provide a report to the chairs of the Senate Transportation and Safety Committee and the House Transportation Committee summarizing promulgated rules related to the regulation of equipment required for vehicles using state highways and the establishment of particular highways upon which commercial motor vehicles may operate within 90 days from the effective date of such rules.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015051): Deletes all language after the enacting clause. Expands, from 50 to 52 feet from the point of attachment to the tractor, the length a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system. Restricts the distance between the kingpin and the rear most axle, if the axels are not a tandem axle, to no more than 44 feet.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The Commissioner of TDOT is required to charge fees for granting special permits for moving vehicles of excess weight, height, length, or width.
- Pursuant to Tenn. Code Ann. § 55-7-201(c), motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the federal and state highway system; provided, that the towed vehicle shall not exceed 50 feet in length from the point of attachment to the tractor, except that this length may be increased to 52 feet when the load on the vehicle consists of livestock, motor vehicle parts, automobiles and/or motor vehicles.
- Expanding this 52 foot restriction to all truck-tractor and semitrailer or trailer combinations will not result in a significant fiscal impact to state government, as this legislation will not considerably effect the total number of special permits issued.

- That section of code further states that if the towed vehicle exceeds 48 feet in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, automobiles and/or motor vehicles, the distance between the kingpin and the rearmost axle or a point midway between the two rear axles, if the rear axles are a tandem axle, shall not exceed 41 feet.
- Restricting the distance between the kingpin and the rear most axle, if the axels are not a tandem axle, to no more than 44 feet will not result in a significant fiscal impact to state government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/jmg

HOUSE RESEARCH DIVISION

PH Subcommittee
Amendment ePacket

Tuesday, March 3, 2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1889* **House Bill No. 2674**

by deleting all language after the caption and substituting the following:

WHEREAS, families caring for a loved one with Alzheimer's or related dementia at home are often burdened with the excessive financial and personal costs of providing continuous care; and

WHEREAS, over half a million Tennesseans are directly affected by Alzheimer's and related dementia according to the Alzheimer's Association 2019 Facts and Figures report, which stated that 439,000 family caregivers across Tennessee provided 500 million hours of unpaid care valued at over six billion dollars; and

WHEREAS, Medicare does not pay for long-term care or provide support to family caregivers; and

WHEREAS, long-term care insurance is costly and may not be affordable to low- and middle-income families and may not cover essential services for the length of time needed for an Alzheimer's patient; and

WHEREAS, providing respite and other care services to those with Alzheimer's may delay or supplant the need for transfer to a long-term skilled nursing facility, allowing for the individual with Alzheimer's to remain in their home environment; and

WHEREAS, this act is named in memory of Retired Colonel Thomas G. Bowden, who was born and raised in Tullahoma and was a Distinguished Military Graduate of MTSU. Colonel Bowden dedicated twenty-six years of service to the United States Army. A graduate of the Army War College, he was a former commander of over 900 soldiers with responsibility for thirty-six Pershing II missile launchers with assigned nuclear capable missiles. Colonel Bowden

served two assignments at the Pentagon and commanded at the brigade level. Colonel Bowden was diagnosed with Alzheimer's disease at age sixty-three and lost his life to the disease at age sixty-eight; and

WHEREAS, this act shall serve as a testament to Colonel Bowden's life, as well as a tribute to the loving care provided by his wife of forty-six years, Barbara; now, therefore,

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

SECTION 1. This act shall be known as the "Colonel Thomas G. Bowden Act."

SECTION 2. Tennessee Code Annotated, Section 71-2-105, is amended by adding the following as a new subsection (e):

(1) As used in this subsection (e):

(A) "Alzheimer's disease or related dementia" means the diseases and conditions characterized by a decline in memory, language, problem-solving, and other thinking skills that affect an individual's ability to perform everyday activities;

(B) "Home- and community-based services" means services supporting personal hygiene, toileting, dressing, maintaining personal appearance, meal delivery, homemaker services, or respite care;

(C) "Informal caregiver" means any spouse, adult child, relative, or friend, who provides unpaid home- and community-based services to an individual in the individual's home who suffers from Alzheimer's disease or related dementia;

(D) "Program" means the OPTIONS for dementia care program created by this subsection (e); and

(E) "Respite care":

(i) Means temporary, substitute support or living arrangements to provide a brief period of relief or rest for caregivers; and

(ii) May include in-home care by appropriately trained individuals, care in an adult day care, assisted living, or nursing home setting for an intermittent, occasional, or emergency basis.

(2)

(A) There is created a pilot program within the commission known as the OPTIONS for dementia care program to provide home- and community-based services.

(B) The program shall:

(i) Provide home- and community-based services for the sole benefit of individuals experiencing symptoms of Alzheimer's disease or related dementia;

(ii) Be operated as a part of the current state-funded OPTIONS program;

(iii) Be operated from July 1, 2020, to January 1, 2024;

(iv) Begin enrolling individuals no later than July 1, 2020, and offering services no later than January 1, 2021;

(v) Actively serve the following number of enrollees:

(a) For 2021, up to one hundred fifty (150); and

(b) For 2022 and 2023, at least one hundred fifty (150);

(vi) Give priority for enrollment to those individuals on the wait list for the current state-funded OPTIONS program as of the effective date of this act; and

(vii) Be composed of the following two (2) tiers based on a sliding fee scale and exclude any individual with Alzheimer's disease or related dementia who is eligible for long-term care services under the Medical Assistance Act of 1968, compiled in chapter 5, part 1 of this title:

(a) Tier 1 is designed to provide services to those applicants with an income level that does not permit personal financing of caregiver services; and

(b) Tier 2 is designed to provide services to those applicants with an income level that allows for cost-sharing of services between the applicant and the program.

(3) The commission shall submit a written report no later than January 15, 2021, and each January 15 thereafter until the close of the pilot period, to the health and welfare committee of the senate and the health committee of the house of representatives on the status of the program. The report must include the following:

(A) The total funds spent on the program;

(B) The amount of administrative costs to operate the program;

(C) The number of individuals and informal caregivers served by the program;

(D) The income ranges of the individuals and informal caregivers served by the program; and

(E) The efficacy of the program.

(4) This subsection (e) does not create an entitlement to services through the program, and the services provided and the number of individuals served by the program are subject to appropriations by the general assembly.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2592 **House Bill No. 2704***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, Part 1, is amended by adding the following section:

(a) The department shall establish a system, or amend an existing system, to imprint on each electronic benefits transfer card issued or reissued to a recipient in this state on and after January 1, 2021, a photograph of the recipient or protective payee, as defined in § 71-3-1201, authorized to use the card.

(b) The department shall promulgate rules to effectuate the purposes of this section in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2355* **House Bill No. 2495**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-7-110(c), is amended by deleting the subsection and substituting the following:

(c)

(1) Medical records of deceased persons, law enforcement investigative reports, and photographs, video, and other images of deceased persons are not public records.

(2) Except as provided in subdivision (c)(3), and subject to subsection (d), the reports of the county medical examiners, toxicological reports, and autopsy reports are not public records.

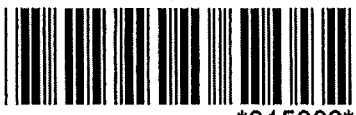
(3) A report of the county medical examiner, toxicological report, or autopsy report must not be released, except:

(A) Pursuant to a subpoena or court order; or

(B) Upon a request by the decedent's next of kin or a legal representative of the next of kin.

(4) A records custodian shall not release a report pursuant to subdivision (c)(3) until the applicant has provided sufficient information to allow the records custodian to locate the requested report and establish the applicant's identity as qualifying next of kin who is authorized to receive a report under this section. The records custodian may require proof of identification or a sworn statement as to the identity of the applicant and the applicant's relationship to the decedent.

(5) For purposes of this subsection (c):



(A) "Next of kin" means a decedent's spouse, child, sibling, parent, grandparent, or grandchild, and includes relationships of the whole or half-blood, or by marriage or adoption; and

(B) "Records custodian" has the same meaning as defined in § 10-7-503.

SECTION 2. Tennessee Code Annotated, Section 38-7-110(d)(1), is amended by deleting the language "a court of record may order that those portions shall not be subject to disclosure as a public document and shall remain confidential" and substituting instead the language "a court of record may order that those portions are not subject to disclosure pursuant to subsection (c) and remain confidential".

SECTION 3. Tennessee Code Annotated, Section 38-7-110(d)(3), is amended by deleting the language "shall remain confidential and not open for public inspection may petition the court" and substituting instead the language "remains confidential and not subject to disclosure under subsection (c) may petition the court".

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to the disclosure of records occurring on or after that date.

11:41am 2/24/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1357 **House Bill No. 325***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-13-104, is amended by adding the following language under the designation "Class I Natural River Areas":

Piney River – That continuous segment of Piney River, in Rhea County from its confluence with Moccasin Creek downstream to its confluence with RockHouse Branch.

Little Piney Creek – That continuous segment of Little Piney Creek entirely within Piney Falls State Natural Area in Rhea County downstream to its confluence with Soak Creek in Rhea County.

Duskin Creek – That continuous segment of Duskin Creek from its confluence with Newby Branch in Rhea County downstream to its confluence with Piney River in Rhea County.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

2:04
2-26 AG

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 811 **House Bill No. 845***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-103(8)(B), is amended by adding the following as a new subdivision:

(iii) Except to the extent inconsistent with applicable federal law, soil intended for use or reuse as soil is not a discarded material constituting waste;

SECTION 2. Tennessee Code Annotated, Section 68-212-104(20), is amended by adding the following language immediately preceding the semicolon at end of the subdivision:

In addition, except to the extent inconsistent with applicable federal law, soil intended for use or reuse as soil is not a discarded material constituting "waste"

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

2:00pm 2/19/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1801 House Bill No. 1842*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1602, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Used tire" means a tire that has been previously used in the regular operation of a motor vehicle;

SECTION 2. Tennessee Code Annotated, Section 67-4-1602, is amended by deleting the language "new tires" wherever it appears and substituting instead the language "new tires or used tires".

SECTION 3. Tennessee Code Annotated, Section 67-4-1603(a), is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 4. Tennessee Code Annotated, Section 67-4-1605, is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 5. Tennessee Code Annotated, Section 67-4-1606(b), is amended by deleting the language "new tires" and substituting instead the language "new tires or used tires".

SECTION 6. Tennessee Code Annotated, Section 67-4-1609, is amended by deleting the language "new tires" and substituting the language "new tires or used tires".

SECTION 7. Tennessee Code Annotated, Section 67-4-1610(b)(1)(A), is amended by deleting the language "to such county to be used for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to such county to be used for illegal waste tire dumping enforcement, waste tire

collection days, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for any other purposes".

SECTION 8. Tennessee Code Annotated, Section 67-4-1610(b)(1)(B), is amended by deleting the language "to the county through additional grants, unrelated to the tire grant contract, for beneficial end use of waste tires in accordance with § 68-211-867 and not used for any other purposes" and substituting instead the language "to the county through additional grants, unrelated to the tire grant contract, for illegal waste tire dumping enforcement, waste tire collection days, or beneficial end use of waste tires in accordance with § 68-211-867, and not used for any other purposes".

SECTION 9. Tennessee Code Annotated, Section 68-211-867, is amended by adding the following as a new subsection:

> The comptroller of the treasury shall conduct an annual audit of the tire pre-disposal program on a time interval to be determined by the comptroller, with the results of the audit to be submitted to the chair of the environment, agriculture and natural resources committee of the senate and the chair of the agriculture and natural resources committee of the house of representatives within twenty (20) business days of completion of the audit.

SECTION 10. This act shall take effect on July 1, 2020, the public welfare requiring it, and shall apply to sales of used tires occurring on or after that date and to any pre-disposal fee received by the commissioner of revenue or the department of environment and conservation after such effective date regardless of when the fee was imposed.

9:59am 3/2/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2378 **House Bill No. 2366***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 11, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Exhibition of livestock" means a show or sale of livestock at a fair or elsewhere that is sponsored by or under the control of a county or independent agricultural society, school, university, breed association, fair association, or similar organization; and

(2) "Local governing body" means the legislative body of a city, municipality, county, or other political subdivision of this state.

(b) No local governing body shall adopt or continue in effect any ordinance, resolution, rule, regulation, or other enactment regulating or prohibiting the exhibition of livestock in this state.

(c) Subsection (b) does not apply to any ordinance, resolution, rule, regulation, or other enactment regarding the exhibition of livestock in this state, when such enactment is otherwise authorized by state law or is related to reasonable restrictions regarding time, place, and manner consistent with other similar events or the protection of public health, safety, or welfare.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

11:28am 2/25/2020 426

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2050* **House Bill No. 2486**

by deleting subsection (c) from Section 53-7-221 in SECTION 15 and substituting the following:

(c) Prior to federal approval of the cooperative programs developed under this section, the commissioner may spend public funds of this state appropriated for the implementation and administration of this part. Upon federal approval of the cooperative programs developed under this section, the commissioner may spend public funds of this state appropriated for administration of this part to pay fifty percent (50%) of this state's estimated total cost of such programs.

9:47am 1/25/2020 DA 4316

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2550 **House Bill No. 2583***

by deleting all language after the caption and substituting instead the following:

WHEREAS, agriculture is Tennessee's largest industry, contributing approximately $74.8 billion to Tennessee's economy each year, employing 349,000 Tennesseans, and having diverse production ranging from row crops and livestock to local food and viniculture; and

WHEREAS, Tennessee is home to over 1,600 registered food and beverage companies creating a myriad of products that can be sourced locally; and

WHEREAS, there are 67,300 Tennessee farmers, across 9 million acres of land and $4.28 billion in cash receipts, and agriculture has an impact on every county in Tennessee; and

WHEREAS, Tennessee farmers are innovative and have traditionally been leaders in a range of new production approaches, such as no-till; technologies, such as robotic milkers; and market opportunities, such as malt barley; and

WHEREAS, Tennessee has the opportunity to be the leading state in bringing together farmer-led innovation and entrepreneurship to create a diverse foundation of rural and urban agricultural enterprises and wealth creation; and

WHEREAS, AgTech includes innovations related to software, hardware, robotics, sensors, precision agriculture, predictive agriculture, big data, artificial intelligence, biotechnology and veterinary technology, state-of-the-art equipment, and related technologies that support the farms of the future; and

WHEREAS, the AgLaunch Initiative was created as an independent nonprofit organization through a joint initiative with the Tennessee department of agriculture to develop

new agriculture enterprises, stimulate private investment, and position farmers in leadership positions to shape the future of agriculture; and

WHEREAS, the Center for Profitable Agriculture provides educational programming and technical assistance to Tennessee farmers interested in a value-added enterprise to improve farm income; now, therefore,

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

SECTION 1.

(a) There is created the farm and forestry task force, hereafter referred to as the "task force," composed of farmers and foresters to develop and implement a strategic plan to position this state as a leading hub for agtech and value-added agriculture.

(b)

(1) The task force consists of nine (9) members, including at least three (3) full-time farmers and three (3) full-time foresters who derive their primary income from crop, forestry, or livestock production, or directly related farming activities such as agritourism, on-farm education, or farmer-owned value-added activities. The task force must also include three (3) residents of this state with controlling interest in agricultural businesses that are engaged in local processing or agricultural-related innovation.

(2) The members of the task force must represent diverse segments of the agriculture industry, including crops, livestock, local food, and urban agriculture.

(3) The members of the task force are appointed as follows:

(A) The speaker of the senate shall appoint one (1) member;

(B) The speaker of the house of representatives shall appoint one (1) member; and

(C) The commissioner of agriculture shall appoint seven (7) members, with input from the Tennessee Farm Bureau Federation, the Center for Profitable Agriculture, and AgLaunch Initiative.

(c) Members of the task force shall elect a chair from their membership.

(d) Members of the task force:

(1) Shall create a scope of work and issue a request for proposals for a third-party consulting firm to develop a statewide strategy for agricultural innovation and entrepreneurship, led by the farming community, with input from the state's universities, commodity organizations, companies, and other stakeholders; and provide oversight to the strategy process, roadmap, investment, and implementation plan to ensure that the resulting plan includes:

(A) A comprehensive analysis of major issues facing farmers and the identification of technology platforms to address these issues;

(B) The identification of industry linkages and gaps in the value chain to connect farmers to new opportunities;

(C) An analysis of new opportunities, including farmer data, ecosystem markets, and traceability and their potential effect on farm operation profits;

(D) The identification of new opportunities to stimulate the growth and the investment of more private capital into Tennessee agricultural and farmer-owned enterprises;

(E) The establishment of further statewide farmer network and entrepreneurship programming to grow more agtech and value-added businesses;

(F) A quantitative analysis of the statewide research enterprise that may have applications for agriculture industry; and

(G) Recommendations and action plans from the strategic planning process that have clear synergies to education, workforce, and talent development initiatives and specific recommendations to ensure alignment and actionable connectivity to the agricultural and forestry organizations and universities that serve this state's agriculture and forestry industry.

(e) The task force is managed through the department of agriculture, in collaboration with the Tennessee Farm Bureau Federation, the Center for Profitable Agriculture, and AgLaunch Initiative.

(f) The appointing authorities shall strive to ensure that the makeup of the task force reflects the racial, gender, geographic, urban, rural, and economic diversity of this state.

(g) The commissioner of agriculture shall call the first meeting of the task force, which shall conduct at least three (3) regular scheduled meetings to hear testimony from members of the public and to solicit input from persons with expertise in:

(1) Current agricultural practices;

(2) Forecasting trends related to consumer purchasing patterns, product development, crop diversity, and agricultural technologies; and

(3) The economic impact of agriculture on rural areas of this state.

(h) The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(i) The members of the task force serve without compensation.

(j) The task force shall submit a report of its findings and recommendations, to the general assembly no later than August 31, 2021, including an implementation plan and recommended legislative action.

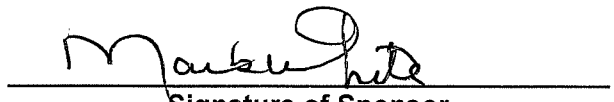
(k) This section is repealed September 1, 2021, or upon the submission of the report under subsection (j), whichever comes first.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

4:34 2/25/20

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____



Signature of Sponsor

AMEND Senate Bill No. 2550 **House Bill No. 2583***

by deleting all language after the caption and substituting instead the following:

WHEREAS, agriculture is Tennessee's largest industry, contributing approximately $74.8 billion to Tennessee's economy each year, employing 349,000 Tennesseans, and having diverse production ranging from row crops and livestock to local food and viniculture; and

WHEREAS, Tennessee is home to over 1,600 registered food and beverage companies creating a myriad of products that can be sourced locally; and

WHEREAS, there are 67,300 Tennessee farmers, across 9 million acres of land and $4.28 billion in cash receipts, and agriculture has an impact on every county in Tennessee; and

WHEREAS, Tennessee farmers are innovative and have traditionally been leaders in a range of new production approaches, such as no-till; technologies, such as robotic milkers; and market opportunities, such as malt barley; and

WHEREAS, Tennessee has the opportunity to be the leading state in bringing together farmer-led innovation and entrepreneurship to create a diverse foundation of rural and urban agricultural enterprises and wealth creation; and

WHEREAS, AgTech includes innovations related to software, hardware, robotics, sensors, precision agriculture, predictive agriculture, big data, artificial intelligence, biotechnology and veterinary technology, state-of-the-art equipment, and related technologies that support the farms of the future; and

WHEREAS, the AgLaunch Initiative was created as an independent nonprofit organization through a joint initiative with the Tennessee department of agriculture to develop new agriculture enterprises, stimulate private investment, and position farmers in leadership positions to shape the future of agriculture; and

WHEREAS, the Center for Profitable Agriculture provides educational programming and technical assistance to Tennessee farmers interested in a value-added enterprise to improve farm income; now, therefore,

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

SECTION 1.

(a) There is created the farm and forestry task force, hereafter referred to as the "task force," composed of farmers and foresters to develop and implement a strategic plan to position this state as a leading hub for agtech and value-added agriculture.

(b)

(1) The task force consists of nine (9) members, including at least six (6) full-time farmers or foresters who derive their primary income from crop, forestry, or livestock production, or directly related farming activities such as agritourism, on-farm education, or farmer-owned value-added activities. The task force must also include three (3) residents of this state with controlling interest in agricultural businesses that are engaged in local processing or agricultural-related innovation.

(2) The members of the task force must represent diverse segments of the agriculture industry, including crops, livestock, local food, and urban agriculture.

(3) The members of the task force are appointed as follows:

(A) The speaker of the senate shall appoint one (1) member;

(B) The speaker of the house of representatives shall appoint one (1) member; and

(C) The commissioner of agriculture shall appoint seven (7) members, with input from the Tennessee Farm Bureau Federation, the Center for Profitable Agriculture, and AgLaunch Initiative.

(c) Members of the task force shall elect a chair from their membership.

(d) Members of the task force:

(1) Shall create a scope of work and issue a request for proposals for a third-party consulting firm to develop a statewide strategy for agricultural innovation and entrepreneurship, led by the farming community, with input from the state's universities, commodity organizations, companies, and other stakeholders; and provide oversight to the strategy process, roadmap, investment, and implementation plan to ensure that the resulting plan includes:

(A) A comprehensive analysis of major issues facing farmers and the identification of technology platforms to address these issues;

(B) The identification of industry linkages and gaps in the value chain to connect farmers to new opportunities;

(C) An analysis of new opportunities, including farmer data, ecosystem markets, and traceability and their potential effect on farm operation profits;

(D) The identification of new opportunities to stimulate the growth and the investment of more private capital into Tennessee agricultural and farmer-owned enterprises;

(E) The establishment of further statewide farmer network and entrepreneurship programming to grow more agtech and value-added businesses;

(F) A quantitative analysis of the statewide research enterprise that may have applications for agriculture industry; and

(G) Recommendations and action plans from the strategic planning process that have clear synergies to education, workforce, and talent development initiatives and specific recommendations to ensure alignment and actionable connectivity to the agricultural and forestry organizations and universities that serve this state's agriculture and forestry industry.

(e) The task force is managed through the department of agriculture, in collaboration with the Tennessee Farm Bureau Federation, the Center for Profitable Agriculture, and AgLaunch Initiative.

(f) The appointing authorities shall strive to ensure that the makeup of the task force reflects the racial, gender, geographic, urban, rural, and economic diversity of this state.

(g) The commissioner of agriculture shall call the first meeting of the task force, which shall conduct at least three (3) regular scheduled meetings to hear testimony from members of the public and to solicit input from persons with expertise in:

(1) Current agricultural practices;

(2) Forecasting trends related to consumer purchasing patterns, product development, crop diversity, and agricultural technologies; and

(3) The economic impact of agriculture on rural areas of this state.

(h) The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(i) The members of the task force serve without compensation.

(j) The task force shall submit a report of its findings and recommendations, to the general assembly no later than August 31, 2021, including an implementation plan and recommended legislative action.

(k) This section is repealed September 1, 2021, or upon the submission of the report under subsection (j), whichever comes first.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

1:45pm 2/24/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2690 **House Bill No. 2705***

by deleting § 4-3-3101(a) and (b) in SECTION 1 and substituting instead the following:

(a) In order to advance as an official policy of this state the protection of native fish species, the fishing and boating recreation industries in this state, and the well-being of persons who seek to enjoy the use of the waters of the state through the removal of bighead carp, black carp, grass carp, and silver carp, collectively referred to as "Asian carp", from the waters of the state, there is hereby created the Asian carp advisory commission, to be composed of the following members:

(1) The commissioner of environment and conservation, or the commissioner's designee;

(2) The commissioner of tourism, or the commissioner's designee;

(3) The commissioner of economic and community development, or the commissioner's designee;

(4) The chair of the Tennessee fish and wildlife commission, or the chair's designee;

(5) One (1) person appointed by the speaker of the house of representatives;

(6) One (1) person appointed by the speaker of the senate;

(7) One (1) person appointed by the governor;

(8) One (1) representative from the Tennessee valley authority, to be appointed by the governor; and

(9) One (1) representative from the United States corps of engineers, to be appointed by the governor.

(b) The member appointed by the governor under subdivision (a)(7) shall serve as the chair of the advisory commission and shall have the title "Asian carp czar".

HOUSE RESEARCH DIVISION

FL&R Subcommittee
Amendment ePacket

Tuesday, March 3, 2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 55* **House Bill No. 781**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-244(a), is amended by inserting the following as a new subdivision:

( ) Professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-401;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding the following language as a new part:

63-11-401.

(a) The practice of art therapy in this state is hereby declared to affect the public health, safety, and welfare of citizens of this state.

(b) To assist the board of examiners in psychology in the performance of its duties, there is established the professional art therapist advisory committee to protect the public from:

(1) The practice of art therapy by unqualified persons; and

(2) Unprofessional, unethical, and harmful conduct by art therapy practitioners.

(c) No person shall represent to be or function as a professional art therapist in this state unless the person holds a valid license issued by the advisory committee. The committee shall also regulate the practice of art therapy.

63-11-402. As used in this part:

(1) "Advisory committee" means the professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-401;

(2) "Appraisal activities" means selecting, administering, scoring, and interpreting art therapy instruments that are used to understand, measure, or facilitate an individual's normal human growth and development. "Appraisal activities" does not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests;

(3) "Art therapy" means the integrated application of psychotherapeutic principles and methods with specialized training in visual art media, the neurobiological implications of art-making and the creative process, and art-based assessment models to assist individuals, families, or groups to improve mental functioning, increase self-awareness and self-esteem, resolve conflicts and distress, and enhance social functioning;

(4) "Art therapy certified supervisor" means a person credentialed by the Art Therapy Credentials Board, Inc., to provide supervised clinical experience for an associate art therapist;

(5) "Associate art therapist" means a person holding a master's or doctoral degree in art therapy while engaged in the practice of professional art therapy under supervision as part of clinical training to fulfill the supervised experience requirement for becoming a licensed professional art therapist;

(6) "Board" means the board of examiners in psychology, created by § 63-11-101;

(7) "Certified art therapist" means a person holding national board certification (ATR-BC) from the Art Therapy Credentials Board, Inc.;

(8) "Credentialed art therapist" means a person holding credentials in good standing with the Art Therapy Credentials Board, Inc., as a registered art therapist (ATR), certified art therapist (ATR-BC), or art therapy certified supervisor;

(9) "Licensed professional art therapist" means a person who is licensed to practice professional art therapy in this state;

(10) "Practice of professional art therapy" means rendering or offering to render to individuals, groups, organizations, or the general public any service as an independent or adjunctive therapist involving the application of art therapy principles, techniques, methods, or procedures. It includes, but is not limited to, therapeutic interventions to facilitate alternative modes of receptive and expressive communication, development of treatment plans, appraisal activities, consulting and referral activities, and prevention and treatment of mental and emotional conditions; and

(11) "Supervision" means the regular observation and oversight of the functions and activities of a graduate art therapy student as part of an internship or practicum experience, or an associate art therapist engaged in the practice of art therapy to fulfill the requirements for licensure under § 63-11-405.

63-11-403.

(a) The professional art therapist advisory committee of the board of examiners in psychology consists of three (3) members appointed by the governor. The advisory committee is authorized to issue licenses to persons who meet the requirements specified in this part, and to promulgate rules for the implementation of the part, including, but not limited to, the setting of fees and the establishment of disciplinary actions. The advisory committee shall maintain a list of all licensees, which shall be provided to any interested party on written request.

(b) Advisory committee members must be licensed professional art therapists and must be actively engaged in the practice or teaching of art therapy in this state at the time of their appointment, except that initial appointments to the advisory committee

made prior to the promulgation of rules to implement this part must be certified art therapists who are residents of this state and have engaged in the practice of art therapy for not less than five (5) years.

(c) The governor shall consult with interested art therapy groups, including, but not limited to, the Tennessee Art Therapy Association, to determine qualified persons for appointment as advisory committee members.

(d)

(1) Except as provided in subdivision (d)(2), the terms of the members of the advisory committee are three (3) years.

(2) In order to stagger the terms of the newly appointed advisory committee members, initial appointments are to be made as follows:

(A) One (1) person appointed pursuant to subsection (a) shall serve an initial term of one (1) year, which shall expire on June 30, 2022;

(B) One (1) person appointed pursuant to subsection (a) shall serve an initial term of two (2) years, which shall expire on June 30, 2023; and

(C) One (1) person appointed pursuant to subsection (a) shall serve an initial term of three (3) years, which shall expire on June 30, 2024.

(3)

(A) Following the expiration of members' initial terms as prescribed in subdivision (d)(2), all three-year terms shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(B) In the event of a vacancy, the governor shall fill the vacancy for the unexpired term. Each member shall serve until a successor is duly appointed and qualified.

(C) Members are eligible for reappointment to the advisory committee following the expiration of their initial terms, but shall serve no more than two (2) consecutive three-year terms.

(e) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. Members of the advisory committee serve without compensation, but are entitled to receive necessary travel and other appropriate expenses while engaged in committee business.

(f) The advisory committee shall be provided administrative support by the division of health related boards in the department of health.

(g)

(1) The advisory committee shall meet at least twice a year and may hold additional meetings as the advisory committee may determine necessary to carry out its duties under this part.

(2) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year may be removed as a member of the advisory committee.

(3) The chair of the advisory committee shall promptly notify, or cause to be notified, the appointing authority of any member who is removed for failing to satisfy the attendance requirement as prescribed in subdivision (g)(2).

(h) The advisory committee shall elect a chair from among its members at the first meeting held each fiscal year.

(i) Any actions taken in accordance with this part are only effective after adoption by majority vote of the members of the advisory committee and after adoption by a majority vote of the members of the board at the next board meeting at which administrative matters are considered following the adoption by the advisory committee.

63-11-404.

(a) The advisory committee shall:

(1) Promulgate rules for the implementation of this part, including rules to establish:

(A) Requirements and procedures for licensure and licensure renewal for licensed professional art therapists and associate art therapists;

(B) Standards of practice, ethics, and professional responsibility to govern the conduct of persons licensed under this part;

(C) Standards and requirements for engaging in private outpatient independent practice of professional art therapy;

(D) Procedures for investigating reports of professional misconduct and unlawful acts by licensed professional art therapists; and

(E) Criteria and procedures for licensure by endorsement and reciprocity, waiver of examinations, and temporary licenses;

(2) Establish reasonable and necessary fees for licensure and licensure renewal that, in the aggregate, cover the cost of administering this part; and

(3) Maintain a list of persons holding licenses under this part, to be provided to any interested party upon written request.

(b) The advisory committee shall also:

(1) Review issues related to complaints and disciplinary actions involving licensed professional art therapists;

(2) Review the qualifications of licensure applications and issue licenses to individuals who meet the requirements for licensure under this part;

(3) Establish requirements for supervised clinical practice by associate art therapists engaged in the practice of professional art therapy to fulfill requirements for licensure under this part;

(4) Establish guidelines and criteria for continuing education for the renewal of licenses; and

(5) Perform additional duties and responsibilities as requested by the board.

(c) The rules promulgated by the advisory committee for the implementation of this part must:

(1) Provide for the requirements for licensure as set forth in § 63-11-405; and

(2) Take into consideration the standards of ethics and professional conduct of the Code of Ethics, Conduct and Disciplinary Procedures of the Art Therapy Credentials Board, Inc., and other national mental health organizations in effect on January 1, 2020.

63-11-405.

(a) Applicants for licensure as a licensed professional art therapist shall submit an application and fee to the advisory committee. The application must include evidence that the applicant meets the following requirements for licensure:

(1) The applicant has attained the age of majority;

(2) The applicant is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(3) The applicant has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the advisory committee finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution;

(4) The applicant has:

(A) Received a master's degree or doctoral degree in art therapy from a program approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred, and has completed not less than one thousand (1,000) client contact hours of experience after the master's degree was conferred under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the advisory committee; provided, that at least one-half (1/2) of the required supervision hours must be provided by an art therapy certified supervisor, licensed professional art therapist, or certified art therapist; or

(B) Received a master's degree or doctoral degree from a college or university that was accredited by a national or regional accrediting organization recognized by the Council for Higher Education Accreditation in a program with a graduate-level course of study and clinical training that, as determined by the advisory committee, is equivalent to an approved or accredited program in art therapy, and has completed not less than one thousand five hundred (1,500) hours of client contact experience after the qualifying degree was conferred under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the advisory committee; provided, that at least one-half (1/2) of the required supervision hours must be provided by an art therapy certified supervisor, licensed professional art therapist, or certified art therapist; and

(5) The applicant has passed the board certification examination of the Art Therapy Credentials Board, Inc.

(b) A person holding a national credential in good standing as a certified art therapist is deemed to have met the requirements of this section upon submitting an application and fee and providing evidence satisfactory to the advisory committee that the applicant:

(1) Is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards; and

(2) Has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the advisory committee finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution.

63-11-406.

(a) The advisory committee may, at its discretion, grant a license to any person residing or employed in this state who is licensed by a similar entity in another state whose standards, as determined by the advisory committee, are not less stringent than the standards required by this part.

(b) The advisory committee may enter into a reciprocal agreement with another state or jurisdiction that licenses individuals engaged in the practice of professional art therapy, if the advisory committee determines that the other state has substantially similar or more stringent licensing requirements than this state.

63-11-407.

(a) A licensed professional art therapist license issued under this part is valid for twenty-four (24) months from the date of issuance.

(b) A licensee requesting renewal of a license shall provide the following to the advisory committee in advance of the expiration date of the license:

(1) A completed application on a form provided by the advisory committee and payment of the fee set by the advisory committee; and

(2) A certified or sworn statement to the advisory committee that the licensee:

(A) Has completed at least forty (40) hours of continuing education prior to the expiration date of the license; and

(B) Has not had a professional credential revoked, suspended, or restricted by the Art Therapy Credentials Board, Inc., and does not have a complaint, allegation, or investigation pending in this state or in any regulatory jurisdiction for unethical or unprofessional conduct.

(c) If a licensee fails to submit an application for license renewal and to pay any fee required by the advisory committee prior to the expiration date of the license, the license is automatically revoked by the advisory committee without further notice or hearing, unless renewal is completed and all fees are paid prior to the expiration of sixty (60) days from the date of the expiration of the license.

(d) A person whose license is automatically revoked under this section may apply in writing to the advisory committee for reinstatement of the license. Upon the showing of good cause by the person and submitting documentation that all continuing education requirements have been satisfied, the advisory committee may reinstate the license upon the payment of all fees set by the advisory committee.

(e) Applicants and licensees must notify the advisory committee of the following within thirty (30) days of their occurrence:

(1) A change of name, address, or other vital information;

(2) The filing of any criminal charge or civil action against the applicant or licensee;

(3) The initiation of any disciplinary charges, investigations, findings, or sanctions by a healthcare organization, federal or state agency, or other professional association against the applicant or licensee; and

(4) Any other change in information provided by the applicant or licensee to the committee.

63-11-408.

(a) No person shall use the title "licensed professional art therapist," "professional art therapist," or use any other title or abbreviation to indicate or imply that the person is licensed or qualified to practice professional art therapy in this state unless the person holds a license issued by the advisory committee under this part. This subsection (a) does not prohibit an associate art therapist from using the title "associate art therapist" in accordance with this part.

(b) No person shall practice professional art therapy unless the person is:

(1) Licensed by the advisory committee as a licensed professional art therapist;

(2) An associate art therapist, as long as the person uses the title of "associate art therapist" and does not represent themselves to the public as a licensed professional art therapist; or

(3) Exempt from licensure under § 63-11-410.

(c) Violation of this section is a Class B misdemeanor, punishable by a fine only, the suspension or revocation of a license issued under this part, or both a fine and loss of licensure.

63-11-409.

(a) A licensed professional art therapist may practice independently for and with organizations that include, but are not limited to, addiction and rehabilitation centers, art studios and centers, behavioral health hospitals and outpatient settings, cancer treatment centers, community centers, community services boards, correctional facilities,

disability services, eating disorder clinics, government agencies, medical hospitals and outpatient settings, military bases and veterans and family services, museums, nonprofits, nursing homes, physical rehabilitation, residential treatment centers, schools, senior living facilities, state programs, and wellness centers.

(b) Until the advisory committee promulgates rules to establish the requirements for private outpatient independent practice by a licensed professional art therapist, a licensed professional art therapist may only work in a private, outpatient independent setting if the patient is referred to the therapist by:

(1) A physician licensed under chapter 6 or 9 of this title;

(2) A psychologist licensed under this chapter;

(3) A professional counselor licensed under chapter 22 of this title;

(4) A professional counselor designated as a mental health service provider under chapter 22 of this title;

(5) A marital and family therapist licensed under chapter 22 of this title;

(6) A pastoral counselor licensed under chapter 22 of this title;

(7) A licensed masters social worker licensed under chapter 23 of this title;

(8) A licensed clinical social worker licensed under chapter 23 of this title; or

(9) Another advanced medical or mental health professional licensed under title 63, as determined by the board.

63-11-410.

(a) Nothing in this part:

(1) Requires licensure or restricts the activities of a student enrolled in a graduate program in art therapy approved by the advisory committee while practicing art therapy under qualified supervision and as part of an approved course of study; or

(2) Prohibits or restricts the practice of persons authorized to practice under this title who perform services consistent with the scope of practice of their profession and within the scope of their training and competence; provided, that such persons do not represent themselves to the public as a professional art therapist or as holding a license issued under this part.

(b) Nothing in this part permits any method of treatment that involves the administration or prescription of drugs or the practice of medicine in this state or permits a person licensed as a professional art therapist to perform psychological testing.

(c) Subsection (b) does not prohibit a licensed professional art therapist from conducting appraisal activities. Consistent with each licensed professional art therapist's formal education and training, licensed professional art therapists may administer and utilize appropriate art therapy assessment instruments that measure or determine problems or dysfunctions within the context of human growth and development as part of the therapeutic process or in the development of a treatment plan.

63-11-411.

(a) The advisory committee may deny a person's application for a license, restrict, suspend, or revoke an existing license, or take other action that the advisory committee deems proper.

(b) The grounds upon which the advisory committee may exercise the powers enumerated in subsection (a) include, but are not limited to:

(1) Obtaining or attempting to obtain a license by making a false or misleading statement, failing to make a required statement, or engaging in fraud or deceit in any communication to the advisory committee;

(2) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any criminal statute of this state, any provision of this chapter, a rule promulgated by the advisory committee, or any lawful order of the advisory committee issued pursuant to rules;

(3) Gross or repeated negligence, incompetence, misconduct, or malpractice in professional work including, but not limited to:

(A) Any physical or mental condition that currently impairs a licensee's competent professional performance or that poses a substantial risk to the recipient of art therapy services;

(B) Professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the professional practice of art therapy;

(C) Abandonment of a service recipient resulting in the termination of imminently needed care without adequate notice or provision for transition;

(D) Professional record keeping or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, or deceptively altering a service recipient's records or data; and

(E) Unauthorized disclosure of confidential client information, including, but not limited to, client records, art work, and artistic expressions; and

(4) Any other action deemed to be grounds for disciplinary action under § 63-11-215.

(c) All proceedings for disciplinary action against a licensee under this part must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For purposes of promulgating rules, appointing the advisory committee, and issuing licenses, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2021, the public welfare requiring it.

FILED	
Date	2019
Time	
Clerk	
Comm. Amdt.	

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1142 **House Bill No. 1121**

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding the following language as a new part:

63-11-401. Short title.

This part shall be known and may be cited as the "Psychology Interjurisdictional Compact Act."

63-11-402. Compact approved and ratified.

The general assembly hereby approves and ratifies, and the governor shall enter into, a compact on behalf of the state of Tennessee with any of the United States or other jurisdictions legally joining therein in the form substantially as follows:

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

ARTICLE I

PURPOSE

Whereas, states license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary, in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state; and

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent, in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary, in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions, and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each Compact State; and

6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II

DEFINITIONS

A. "Adverse Action" means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.

G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.

H. "Coordinated Licensure Information System," also referred to as "Coordinated Database," means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

J. "Day" means: any part of a day in which psychological work is performed.

K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary, in-person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. "Non-Compact State" means: any State which is not at the time a Compact State.

T. "Psychologist" means: an individual licensed for the independent practice of psychology.

U. "Psychology Interjurisdictional Compact Commission," also referred to as "Commission," means: the national administration of which all Compact States are members.

V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal, or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. "State" means: a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

Z. "State Psychology Regulatory Authority" means: the Board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary, in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary, In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for thirty (30) days within a calendar year and based on notification to the Distant State.

ARTICLE III

HOME STATE LICENSURE

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the

Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten (10) years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degree and a

minimum of one (1) academic year of full-time graduate study for master's degree; and

j. The program includes an acceptable residency as defined by the Rules of the Commission;

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. Have no history of adverse action that violate the Rules of the Commission;

5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the Home and Receiving States, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens.

If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a

program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended, or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State; or

2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII

ADVERSE ACTIONS

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary, in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary, in-person, face-to-face practice in accordance with the Rules of the Commission.

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure, and the reasons for such denial; and
8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. The Commission shall consist of one (1) voting representative appointed by each Compact State, who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary, or similar executive;

b. Current member of the State Psychology Regulatory Authority of a Compact State; or

c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

a. Non-compliance of a Compact State with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and

documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

   a. For the establishment and meetings of other committees; and

   b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;

9. The Commission shall maintain its financial records in accordance with the Bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all Compact States;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided, that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

E. The Executive Board.

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six (6) members:

a. Five (5) voting members who are elected from the current membership of the Commission by the Commission; and

b. One (1) ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in Bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, Executive Director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful, or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful, or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment,

duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from the intentional or willful, or wanton misconduct of that person.

ARTICLE XI

RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a

transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided, that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Compact State funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The Executive, Legislative, and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution.

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the state of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

63-11-403. Rulemaking.

The department of health, in consultation with the board of examiners in psychology, may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement this part.

63-11-404. Effective date of compact; notice to revisor of statutes.

This part takes effect on the date the compact is enacted into law in the seventh compact state. The board of examiners in psychology shall notify the revisor of statutes in writing when the condition specified in this section has occurred.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

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

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 1156 House Bill No. 1203*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-1001, is amended by deleting the section and substituting instead the following:

As used in this part, unless the context otherwise requires:

(1) "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine;

(2) "Acupuncture" means a form of health care developed from traditional and modern oriental medical concepts involving evaluation, treatment, or traditional or modern East Asian diagnosis that is affected by stimulating certain body points or locations for the promotion, maintenance, and treatment of health and the prevention of disease in, on, or near the surface of the body by the insertion of pre-sterilized, single use, disposable filiform needles, unless medically contraindicated;

(3) "Acupuncturist" means a person who practices acupuncture in all its forms, including traditional and modern practices in both teachings and delivery, and who is certified to practice acupuncture by the board;

(4) "ADS" means an acupuncture detoxification specialist trained in, and who performs only, the five-point auricular detoxification treatment;

(5) "Advisory committee" means the Tennessee advisory committee for acupuncture established by § 63-6-1003;

(6) "Board" means the Tennessee board of medical examiners;

(7) "Dry needling":

(A) Means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle that is inserted into the skin or underlying tissues to stimulate trigger points without the use of heat, cold, or any other added modality or medication;

(B) May apply theory based only upon Western medical concepts;

(C) Requires an examination and diagnosis;

(D) Treats specific anatomic entities selected according to physical signs; and

(E) Does not include the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or the teaching or application of other acupuncture theory;

(8) "Medical director" means a physician who:

(A) Holds an active medical license in this state under this chapter or chapter 9 of this title; and

(B) Has an active medical practice in this state;

(9) "NADA" means the National Acupuncture Detoxification Association;

(10) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine; and

(11) "Practice of acupuncture":

(A) Means a practice of healing arts that uses acupuncture needles to prevent or modify the perception of pain, normalize physiological functions, or treat diseases or dysfunctions of the body and includes the determination of a care regimen or treatment protocol according to East Asian or oriental medical principles and activities, anatomy, and physiology; and

(B) Includes:

(i) Evaluation and treatment in accordance with traditional and modern practices of East Asian or oriental medical theory and invasive modalities as taught in an ACAOM-approved program or through

NCCAOM-approved continuing education involving the insertion of filiform and related needles as well as non-invasive modalities, including:

(*a*) Moxibustion;

(*b*) Herbal medicine;

(*c*) Natural or dietary supplements;

(*d*) Manual therapies, excluding chiropractic manipulative treatment and chiropractic adjustment;

(*e*) Therapeutic exercise;

(*f*) Diet; and

(*g*) Appropriate self-care modalities;

(ii) The practice and use of any form of therapy using a filiform needle, including practices referred to as dry needling, intramuscular stimulation, and trigger point therapy using acupuncture needles;

(iii) The practice and use of the following when providing acupuncture and techniques that are within the scope of the practice of acupuncture:

(*a*) Dermal needles;

(*b*) Plum blossom needles;

(*c*) Intradermal or press needles;

(*d*) Prismatic needles;

(*e*) Lancets; and

(*f*) Non-insertive pressure needles; and

(iv) Evaluation, insertion of filiform needles, and optional additional stimulation as taught in an ACAOM-approved program or through NCCAOM-approved continuing education that may be affected through the application of:

(*a*) Heat;

(*b*) Far infrared;

(*c*) Cold;

(*d*) Electricity;

(*e*) Electro acupuncture;

(*f*) Magnetic stimulation;

(*g*) Low-level cold laser;

(*h*) Vibration;

(*i*) Cupping;

(*j*) Gua sha;

(*k*) Manual pressure; or

(*l*) Therapeutic ultrasound.

SECTION 2. Tennessee Code Annotated, Section 63-6-1002, is amended by deleting the section and substituting instead the following:

(a) This part does not apply to:

(1) Physicians licensed under this chapter or chapter 9 of this title, nor does this part prevent the practice of acupuncture by physicians or prevent physicians from using the title "acupuncturist";

(2) Registered nurses who are nationally certified as holistic nurses and who have successfully completed an accredited education program in acupuncture; or

(3) Chiropractic physicians licensed under chapter 4 of this title, nor does this part prevent the practice of acupuncture by chiropractic physicians who:

(A) Engage in the practice of acupuncture as a form of treatment, as defined in § 63-4-101; and

(B) Have completed two hundred fifty (250) hours of an accredited acupuncture course and have passed the National Board of Chiropractic Examiners acupuncture exam.

(b) It is otherwise unlawful to practice acupuncture for compensation or gratuitously unless certified under this part. This restriction does not apply to the following:

(1) Students practicing acupuncture under the supervision of a certified acupuncturist as part of a course of study approved by the committee;

(2) Individuals who do not otherwise possess the credentials required for the practice of acupuncture by this part or rules promulgated pursuant to this part must be granted limited certification by the board as an ADS for the purpose of the treatment of alcoholism, substance abuse, or chemical dependency if they meet the following conditions:

(A) Provide documentation of successful completion of a board-approved training program in auricular detoxification acupuncture that meets or exceeds standards of training set by NADA;

(B) Practice auricular detoxification treatment in a hospital, clinic, or treatment facility that provides comprehensive alcohol and substance abuse or chemical dependency services, including counseling, under the supervision of a certified acupuncturist or medical director;

(C) Satisfy all appropriate ethical standards specified in § 63-6-1007; and

(D) Limit their practice to the five-point auricular detoxification treatment;

(3) An acupuncturist or ADS provider from another state or country who is not licensed under this part and who is an invited guest of a professional acupuncture association, scientific acupuncture foundation, or an acupuncture training program or continuing education provider approved by the NCCAOM or an equivalent organization who engages in professional education through lectures, clinics, or demonstrations, and who is currently certified in good standing as an acupuncturist by the NCCAOM or similar body approved by the

advisory committee. Guest instructors of acupuncture or ADS qualify for exemption under this subdivision (b)(3) only when engaged in demonstrations as part of professional education through lectures or clinics as invited guests of a professional acupuncture association, scientific acupuncture foundation, or an acupuncture training program or continuing education provider approved by the NCCAOM or similar body approved by the advisory committee, and shall not otherwise engage in practice in this state without a license; or

(4) An acupuncturist or ADS provider from another state or country who is not licensed under this part who is engaged in the practice of acupuncture in this state to assist disaster victims during a state of emergency as declared by the governor, as long as the acupuncturist or ADS provider is certified in good standing by the NCCAOM or a similar body approved by the advisory committee. Practice qualifying for exemption under this subdivision (b)(4) is limited to the scope of practice of an acupuncturist or ADS provider licensed in this state and only for the time period of the declared emergency.

(c) If an acupuncturist determines at the time of evaluation or treatment that a patient's condition is beyond the scope of treatment through the practice of acupuncture, then the acupuncturist shall refer the patient to a physician or dentist licensed under this title.

(d) This part does not prohibit a licensed physical therapist from performing dry needling in accordance with the Occupational and Physical Therapy Practice Act, compiled in chapter 13 of this title.

(e) This chapter does not authorize an acupuncturist to engage in the practice of injecting substances either intravenously or subcutaneously.

(f) A violation of this section is a Class C misdemeanor. A person who violates this section is also subject to the sanctions specified in § 63-6-1007.

SECTION 3. Tennessee Code Annotated, Section 63-6-1005, is amended by deleting the section and substituting instead the following:

(a) To receive certification to practice acupuncture from the board, a person must document:

(1) Either:

(A) Current active status as a diplomate in acupuncture of the NCCAOM; or

(B) Current state licensure in good standing by another state with substantially equivalent or higher standards;

(2) Successful completion of a three-year post secondary training program or acupuncture college program that is ACAOM-accredited or in candidacy status or that meets ACAOM's standards; and

(3) Successful completion of an NCCAOM-approved clean needle technique course.

(b) The advisory committee shall waive the requirements of subsection (a) for, and the board shall grant certification to, an applicant residing in this state upon July 1, 2001, who presents satisfactory evidence to the advisory committee of successful completion of an approved apprenticeship or tutorial program that meets NCCAOM standards.

(c) The advisory committee shall waive the requirements of subsection (a) for, and the board shall grant certification to, an applicant presenting satisfactory evidence to the advisory committee that the applicant held a license in good standing from another state immediately prior to practicing in this state and who has continually practiced in this state since that time must be granted certification by the board.

(d) The board shall issue a limited acupuncture certificate to ADSs who meet the requirements listed in § 63-6-1002.

(e) Prior to commencing practice as an ADS, an ADS certificate holder shall provide the following documentation to the advisory committee:

(1) Satisfactory written acknowledgement that the practice of auricular detoxification treatment will be in a hospital, clinic, or treatment facility that

provides comprehensive alcohol and substance abuse or chemical dependency services, including counseling, when addressing substance abuse, or in an acupuncture clinic or appropriate disaster relief effort facility when addressing trauma recovery, stress, and other mental health issues; and

(2) Certification from the supervising licensed acupuncturist or medical director of the institution, facility, or entity attesting to the ADS's employment or volunteer status, and acceptance of supervisory responsibility for the ADS.

SECTION 4. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it, and applies to applications for certification or renewal submitted on or after that date.

Amendment No._____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 2317 **House Bill No. 1867***

by deleting the language "primary care services" in § 63-1-502(1)(A) and substituting the language "medical care services".

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 1960* **House Bill No. 2050**

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 63-13-103(12), is amended by deleting the subdivision and substituting the following:

(12) "Physical therapist" or "physiotherapist" means a person who is licensed pursuant to this chapter to practice physical therapy;

SECTION 2. Tennessee Code Annotated, Section 63-13-103, is amended by adding the following as a new subdivision:

( ) "Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the patient's role and environment;

SECTION 3. Tennessee Code Annotated, Section 63-13-104, is amended by deleting subdivision (b)(2).

SECTION 4. Tennessee Code Annotated, Section 63-13-301, is amended by deleting subsection (a) and substituting the following:

(1) A physical therapist, or physiotherapist, licensed under this chapter is fully authorized to practice physical therapy.

(2) A physical therapist, or physiotherapist, is not licensed under this chapter unless the individual holds a degree from a professional physical therapy program

accredited by a national accreditation agency recognized by the United States department of education and by the board of physical therapy.

SECTION 5. Tennessee Code Annotated, Section 63-13-303(a), is amended by deleting the subsection and substituting the following:

(a) The practice of physical therapy must be under the written or oral referral of a referring practitioner who is a licensed doctor of medicine, chiropractic, dentistry, podiatry, or osteopathy, except a licensed physical therapist may:

(1) Conduct an initial patient visit without referral;

(2) Provide physical assessments or instructions, including a recommendation of exercise to an asymptomatic person, without the referral of a referring practitioner;

(3)

(A) In emergency circumstances, including minor emergencies, provide assistance to a person to the best of a physical therapist's ability without the referral of a referring practitioner. Except as provided in subdivision (a)(4), the physical therapist shall refer the person to the appropriate healthcare practitioner, as indicated, immediately after providing assistance;

(B) For the purposes of subdivision (a)(3)(A):

(i) "Emergency circumstances" means instances where emergency medical care is required; and

(ii) "Emergency medical care" means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of

immediate medical attention could reasonably be expected to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part;

and

(4) Treat a patient without a referral when, within the scope of practice of physical therapy, the following are met:

(A) The patient's physician, as defined in § 63-6-204(f)(7) has been notified;

(B) If the physical therapist determines, based on clinical evidence, that no progress has been made with respect to that patient's condition within thirty (30) days, immediately following the date of the patient's initial visit with the physical therapist, then the physical therapist shall not provide any additional physical therapy services and shall refer the patient to an appropriate healthcare practitioner;

(C) Physical therapy services must not continue beyond ninety (90) days without consulting with the patient's appropriate healthcare practitioner;

(D) If the patient was previously diagnosed by a licensed physician with chronic, neuromuscular, or developmental conditions, and the evaluation, treatment, or services are being provided for problems or symptoms associated with one (1) or more of those previously diagnosed conditions, then subdivisions (a)(4)(B) and (a)(4)(C) do not apply; and

(E) A physical therapist shall refer patients under the physical therapist's care to appropriate healthcare practitioners, if, at any time, the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice of a physical therapist, reasonable therapeutic progress is not being achieved for the patient, or physical therapy treatment is contraindicated.

SECTION 6. Tennessee Code Annotated, Section 63-13-303, is amended by adding the following as a new subsection:

(c) It is unprofessional conduct, for the purposes of § 63-13-312, for a physical therapist to knowingly initiate services to a patient in violation of subdivision (a)(4).

SECTION 7. Tennessee Code Annotated, Section 63-13-305, is amended by deleting subdivision (b)(3) and substituting the following:

(3) A physical therapist or physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated or internationally trained physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty (60) days in a calendar year; and

SECTION 8. Tennessee Code Annotated, Section 63-13-306, is amended by deleting subsection (e) and substituting the following:

(e) Applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without reapplication for licensure up to a total of six (6) attempts. Applications remain active for twelve (12) months. After twelve (12) months, applicants must submit a new application with all applicable fees.

SECTION 9. Tennessee Code Annotated, Section 63-13-307(a)(4), is amended by deleting the subdivision and substituting the following:

(4) Be a graduate of a professional physical therapy program accredited by a national accreditation agency recognized by the United States department of education and by the board of physical therapy; and

SECTION 10. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivisions (a)(1) and (b)(1).

SECTION 11. Tennessee Code Annotated, Section 63-13-307(d), is amended by deleting the following language:

An applicant for licensure as a physical therapist who has been educated outside the United States shall meet the following qualifications:

and substituting the following:

An applicant for licensure as a physical therapist who has been educated outside the United States, foreign-educated, or internationally trained shall meet the following qualifications:

SECTION 12. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivision (d)(1).

SECTION 13. Tennessee Code Annotated, Section 63-13-308, is amended by deleting the section and substituting the following:

63-13-308. License renewal – Eligibility to apply for physical therapy licensure compact privileges – Changes in name or address – Retirement – Inactive Status – Exemption from continuing education requirements.

(a) A physical therapist or physical therapist assistant licensed under this part shall renew the person's license as specified in the rules. An individual who fails to renew the license by the date of expiration shall not practice physical therapy or function as a physical therapist assistant in this state.

(b) A physical therapist or physical therapist assistant licensed in a jurisdiction that is a member state of the Physical Therapy Licensure Compact is eligible to become a licensee for compact privileges in this state, subject to the requirements in § 63-13-402.

(c) Each licensee shall report to the division a name change and changes in business and home address within thirty (30) days of the change.

(d) A person licensed by the board to the practice of physical therapy in this state who has retired, or may retire, from the practice in this state is not required to register as required by this part if the person files with the board an affidavit on a form to be furnished by the board, which affidavit states the date on which the person retired from the practice and any other facts the board considers necessary that tend to verify the retirement. If the person thereafter reengages in the practice in this state, the person must apply for licensure with the board as provided by this part and meet the continuing education requirements that are established by the board, except for good and sufficient reasons as determined by the board.

(e) A person licensed by the board may place their license on inactive status by filing the proper forms with the board and by paying a biennial fee in accordance with rules. If the person thereafter reengages in active practice of physical therapy in this state, then the person must apply for relicensure with the board as provided by this part and meet the continuing education requirements as are established by the board, except for good and sufficient reasons as determined by the board.

SECTION 14. Tennessee Code Annotated, Section 63-13-310, is amended by deleting subsection (a) and substituting the following:

(a) A physical therapist shall use the letters "PT" or "DPT", as appropriate for the individual's education, in connection with their name or place of business to denote licensure under this part.

SECTION 15. Tennessee Code Annotated, Section 63-13-312(a), is amended by adding the following as new subdivisions:

( ) Acting in a manner inconsistent with generally accepted standards of physical therapy practice;

( ) Practicing physical therapy with a mental or physical condition that impairs the ability of the licensee to practice with skill and safety;

SECTION 16. Tennessee Code Annotated, Section 63-13-318, is amended by deleting subsection (k) and substituting the following:

(k) In making appointments to the board, the governor shall strive to ensure that at least one (1) member is fifty-five (55) years of age or older, that at least one (1) member is a racial minority, and that the gender balance of the board reflects the gender balance of the state's population.

SECTION 17. The heading to a section in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 18. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to actions occurring on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1960* **House Bill No. 2050**

by deleting Section 3 in its entirety and renumbering the subsequent sections accordingly.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 1940* **House Bill No. 2405**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following new section:

(a) This section shall be known and may be cited as the "Veterans Traumatic Brain Injury and Post-traumatic Stress Disorder Treatment and Recovery Act".

(b) As used in this section:

(1) "Authorized medical professional" means a healthcare provider who holds a license in good standing in this state as a:

(A) Physician licensed under chapter 6 or 9 of this title;

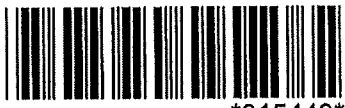
(B) Nurse licensed under chapter 7 of this title;

(C) Physician assistant licensed under chapter 19 of this title; or

(D) Psychologist licensed under chapter 11 of this title;

(2) "Hyperbaric oxygen therapy treatment" means treatment with a prescription from an authorized medical professional in either a hyperbaric chamber approved by the United States food and drug administration or a device with an appropriate investigational device exemption approved by the United States food and drug administration; and

(3) "Veteran" means a person who served on active duty, other than for training purposes, as a member of any component of the armed forces of the United States or of any reserve component, as defined in 10 U.S.C. § 10101, for a period of one hundred eighty (180) days or more, unless released earlier



because of a service-connected disability, and who was discharged or released from the armed forces of the United States under conditions other than a dishonorable discharge.

(c) An authorized medical professional may prescribe hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or post-traumatic stress disorder. Any authorized medical professional who prescribes hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or post-traumatic stress disorder must do so in a manner that complies with the treatment protocols approved by the division.

(d) A veteran who is a resident of this state and who has been diagnosed with a traumatic brain injury or post-traumatic stress disorder by an authorized medical professional may receive hyperbaric oxygen therapy treatment in this state for the treatment of traumatic brain injury or post-traumatic stress disorder.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 2334* **House Bill No. 2454**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

68-7-101. This chapter shall be known and may be cited as the "Tennessee Clinical Cannabis Authorization and Research Act."

68-7-102. As used in this chapter:

(1) "Allowable amount" means the amount of usable clinical cannabis product based on levels of THC and measured in milligrams that may be dispensed to or for a qualifying patient in a thirty-day period;

(2) "Authorized form of cannabis" or "authorized form" means a clinical cannabis product produced in a form approved by the commission for dispensing to a cardholder;

(3) "Bona fide practitioner-patient relationship" means a practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate examination and confirmation of the patient having a debilitating medical condition;

(4) "Cannabis":

(A) Means all parts of the plant cannabis, whether growing or not; the seeds of the plant; any clones of the plant; the resin extracted from any part of the plant; and every compound, processing, salt, derivative, mixture, or preparation of the plant; and

(B) 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 from the mature stalks, fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination; or hemp as defined in § 43-27-101 or hemp-based products;

(5) "Cardholder" means a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;

(6) "Clinical cannabis center" means a facility licensed by the commission to acquire, possess, store, transport, sell, or dispense clinical cannabis products, clinical cannabis devices, and related supplies and educational materials to cardholders;

(7) "Clinical cannabis device" means a device or product, including paraphernalia, used for, or to aid in, the administering of doses of clinical cannabis product;

(8) "Clinical cannabis establishment" means a clinical cannabis center, cultivation facility, independent testing facility, integrated facility, processing facility, or other clinical cannabis entity authorized to operate pursuant to a license issued by the commission;

(9) "Clinical cannabis product":

(A) Means cannabis oil, cannabis extract, or a product that is infused with cannabis oil or cannabis extract and intended for use or consumption in a recognized clinical modality;

(B) Includes nasal sprays, capsules, pills, suppositories, transdermal patches, ointments, lotions, lozenges, tinctures, oils, and liquids; and

(C) Does not include vape or vaporization pens or cartridges, gummies, candy, candy bars, or products in a form that a reasonable person would consider as marketed or appealing to children;

(10) "Clinical license" means a license issued in accordance with § 68-7-105 for a single operation of a clinical cannabis center;

(11) "Clinical use":

(A) Includes the acquisition, administration, cultivation, manufacture, processing, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis, clinical cannabis product, or a clinical cannabis device relating to the administration of clinical cannabis product to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition; and

(B) Does not include:

(i) The cultivation of cannabis performed outside of a cultivation facility or integrated facility; or

(ii) The use of cannabis in a form that is not an authorized form;

(12) "Commission" means the clinical cannabis commission, created by § 68-7-401;

(13) "Cultivation facility" means a facility licensed by the commission to cultivate, transport, supply, store, sell, and deliver cannabis;

(14) "Cultivation license" means a license issued in accordance with § 68-7-105 for a single operation of a cultivation facility with a grow area not to exceed five thousand square feet (5,000 sq. ft.); except, that the commission, in its discretion, may issue a license for a single operation of a cultivation facility with a grow area not to exceed ten thousand square feet (10,000 sq. ft.) based on market and patient demand;

(15) "Debilitating medical condition" means:

(A) Cancer;

(B) Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS);

(C) Hepatitis C;

(D) Amyotrophic lateral sclerosis (ALS);

(E) Post-traumatic stress disorder (PTSD);

(F) Alzheimer's disease;

(G) Severe arthritis;

(H) Inflammatory bowel disease, including Crohn's disease and ulcerative colitis;

(I) Multiple sclerosis;

(J) Parkinson's disease;

(K) Cerebral palsy;

(L) Tourette syndrome;

(M) Sickle cell anemia;

(N) A chronic or debilitating disease or medical condition with a confirmation of diagnosis, or the treatment of such disease or condition, that produces one (1) or more of the following:

(i) Cachexia or wasting syndrome;

(ii) Peripheral neuropathy;

(iii) Chronic pain;

(iv) Severe nausea;

(v) Seizures, including those characteristic of epilepsy; or

(vi) Severe or persistent muscle spasms;

(O) Neurological, mental, emotional, or behavioral disorders and associated disorders that interfere with mental health; and

(P) Any other medical condition approved by the commission in response to a request from a person or entity issued a research license, practitioner, or potentially qualifying patient or a proposal initiated by a member of the commission;

(16) "Department" means the department of agriculture;

(17) "Designated caregiver" means a person who meets the requirements of § 68-7-202;

(18) "Disqualifying felony offense" means:

(A) A violent offense, as classified by § 40-35-120(b); or

(B) A violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, not including:

(i) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed five (5) or more years earlier; or

(ii) An offense that consisted of conduct that is not an offense under this chapter, but the conduct either occurred prior to the enactment of this chapter or was prosecuted by an authority other than the state of Tennessee;

(19) "Establishment agent" means an owner, officer, board member, employee, or agent of a clinical cannabis establishment;

(20) "Establishment agent registration card" or "registration card" means a registration card that is issued by the commission to authorize a person to work at a clinical cannabis establishment;

(21) "Healthcare facility" means a facility licensed to provide health or medical care under title 33 or this title;

(22) "Independent testing facility" means an independent testing laboratory issued a testing license by the commission to analyze the safety and potency of cannabis or clinical cannabis products, including any quality variance standards established by the commission;

(23) "Integrated facility" means a facility licensed in accordance with § 68-7-105 for a vertically integrated enterprise to cultivate, prepare, manufacture, process,

package, transport, supply, store, sell, and deliver cannabis, a clinical cannabis product, or a clinical cannabis device to a clinical cannabis center, integrated facility, or processing facility;

(24) "License" means a license issued by the commission that authorizes the license holder to conduct a cannabis-related activity or operate a clinical cannabis establishment;

(25) "Nonresident card" means a card or other identification that is issued by a state or jurisdiction other than Tennessee;

(26) "Nonresident cardholder" means a person who is issued a valid nonresident card as described in § 68-7-116;

(27) "Practitioner" means a physician who is licensed to practice medicine in this state pursuant to title 63, chapter 6, or osteopathic medicine in this state pursuant to title 63, chapter 9;

(28) "Processing facility" means a facility licensed by the commission to prepare, manufacture, process, package, transport, supply, store, sell, and deliver cannabis, a clinical cannabis product, or a clinical cannabis device;

(29) "Processing license" means a license issued in accordance with § 68-7-105 for a single operation of a processing facility;

(30) "Qualified pharmacist" means a pharmacist licensed pursuant to title 63, chapter 10, who is registered with the commission and completes at least two (2) hours of continuing education on clinical cannabis biennially;

(31) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition and who meets the requirements of § 68-7-201;

(32) "Registry identification card" means a card issued by the commission that identifies a person as a registered qualifying patient or registered designated caregiver;

(33) "Secure facility" means a building, greenhouse, warehouse, room, or fenced, outdoor area that is equipped with locks or other security devices that restricts access to only an authorized clinical cannabis establishment agent or other person authorized by law;

(34) "THC" means delta-9-tetrahydrocannabinol, which is a primary active ingredient in cannabis for clinical use;

(35) "Vertically integrated license" means a license issued in accordance with § 68-7-105 for a vertically integrated enterprise consisting of one (1) integrated facility and at least one (1) but no more than five (5) clinical cannabis centers; and

(36) "Written certification" means a standardized form promulgated by the commission that is completed, dated, and signed by a practitioner that:

(A) Affirms that the certification is made in the course of a bona fide practitioner-patient relationship; and

(B) Specifies the qualifying patient's debilitating medical condition.

68-7-103.

(a) A clinical cannabis establishment shall not operate in this state unless the clinical cannabis establishment holds a license or licenses issued by the commission applicable to the establishment's operations. In order to expeditiously commence the provision of licenses and in recognition of the time necessary to construct, secure, and cultivate clinical cannabis establishments, the commission shall begin accepting applications on October 1, 2020, and continue accepting calendar year 2021 applications until July 31, 2021. A license may be conditionally approved but shall not be finally approved or denied until after an onsite inspection of facilities pursuant to rules promulgated by the commission. The commission shall accept applications in subsequent years on a time schedule set forth in rules promulgated by the commission.

(b) To be eligible for a license, a person or entity must submit the license fee described in § 68-7-107 and an application to the commission in a form prescribed by the commission that meets the following conditions:

(1) The application must identify the type of license being sought;

(2) The application must identify the legal name of the clinical cannabis establishment, including any doing business as (d/b/a) designations used in this state;

(3) The application must identify all owners, officers, and board members of the clinical cannabis establishment, who must:

(A) Not have been convicted of any felony offense;

(B) Not have served as an owner, officer, or board member for a clinical cannabis establishment that has had its clinical cannabis establishment license revoked;

(C) Not have previously had a clinical cannabis establishment agent registration card revoked;

(D) Be twenty-one (21) years of age or older; and

(E) Provide the person's name, address, and date of birth to the commission;

(4) The application must identify the physical address where the clinical cannabis establishment will be located, and the address must:

(A) Be located in a jurisdiction in which the presence of the type of clinical cannabis establishment being proposed is permitted in accordance with § 68-7-106; and

(B) Meet applicable local zoning requirements;

(5) The application must include evidence that the owner of the real property on which the clinical cannabis establishment will be located has given express permission to operate the establishment at that location;

(6) The application must include evidence that the applicant controls the minimum liquid assets requirements of § 68-7-105, to cover initial expenses of opening the clinical cannabis establishment and complying with this chapter. This subdivision (b)(6) does not apply to any application for an independent testing facility or a research license;

(7) The application must include operating procedures for the clinical cannabis establishment that are consistent with the commission's rules. The procedures must include:

(A) Procedures to ensure adequate security;

(B) The use of an inventory control system and an electronic verification system in accordance with §§ 68-7-113 and 68-7-114; and

(C) If the clinical cannabis establishment will process, manufacture, sell, or deliver clinical cannabis products, operating procedures for handling those products, which must be approved by the commission; and

(8) Any other information as the commission may require by rule.

(c)

(1) Each person who submits an application pursuant to this section, and each person who is to be an owner, officer, or board member of a clinical cannabis establishment, shall:

(A) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; and

(B) Agree that the Tennessee bureau of investigation may send information indicating the results of the criminal history records check to the commission and the owner or board of the clinical cannabis establishment.

(2) The applicant shall pay any reasonable costs incurred by the Tennessee bureau of investigation or federal bureau of investigation, or both, in conducting an investigation of the applicant. The assessed costs must not exceed those assessed for other criminal history records checks required by law. A clinical cannabis establishment may reimburse the applicant for the costs of the investigation.

(d) The commission shall issue licenses in accordance with § 68-7-105. Meeting the criteria of this section does not grant any person or entity a right to a license.

(e) A person or entity may be issued one (1) or more licenses and own or operate one (1) or more clinical cannabis establishments regardless of the type of clinical cannabis establishment subject to the following:

(1) A person or entity who is serving as an owner or operator of a cultivation facility, processing facility, integrated system, or clinical cannabis center may not own or operate an independent testing facility;

(2) A holder of a vertically integrated license, nor any person or entity having any interest in the license greater than ten percent (10%), shall not have any interest as partner or otherwise, either direct or indirect, in any other vertically integrated license; and

(3) A person or entity seeking to obtain more than one (1) type of license or own or operate more than one (1) clinical cannabis establishment must submit to the commission the application described in subsection (b) and the license fee described in § 68-7-107 for each license type sought. A single fingerprint sample and criminal history records check may be used for multiple applications.

(f) A license expires one (1) year after the date of issuance and shall be renewed upon:

(1) Resubmission of the information set forth in this section; except, that fingerprints are not required to be resubmitted; and

(2) Payment of the renewal fee described in § 68-7-107.

68-7-104. Each clinical cannabis establishment must:

(1) Comply with applicable local ordinances and regulations pertaining to zoning, land use, and signage; and

(2) Notify the commission of any change in circumstance for any information required pursuant to § 68-7-103.

68-7-105.

(a)

(1) The commission is responsible for accepting applications for licenses. The commission shall publish application requirements and submission dates on its website.

(2) In order to facilitate timely implementation of this chapter, the commission must complete all initial rulemaking no later than October 1, 2020, including, at a minimum, rules for application forms, written certification forms, research license forms, facility operation and security requirements, and objective criteria and prioritization for issuing licenses across the three (3) grand divisions as set forth in this chapter. Rules may be amended and supplemented thereafter as the commission deems necessary.

(3) The commission shall act on each completed application received in accordance with this subsection (a) within ninety (90) days of receipt.

(4) An applicant who submits an application in accordance with this subsection (a) and whose application for a license is denied may appeal the denial in accordance with procedures established by the commission by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b)

(1) The commission shall not issue a license to an applicant unless the applicant meets all the requirements of this chapter.

(2) In evaluating a license application, the commission shall consider:

(A) Whether the applicant provided a plain narrative describing the type of operation and general business plan;

(B) Whether the applicant has liquid and illiquid financial resources sufficient to meet at least two (2) years of operating expenses for the proposed clinical cannabis establishment;

(C) The previous experience of the owners, officers, or board members of the clinical cannabis establishment at operating other businesses or organizations;

(D) The vocational or professional background of the owners, officers, or board members;

(E) Any demonstrated knowledge or expertise on the part of the owners, officers, or board members with respect to cannabis or clinical cannabis products;

(F) Whether the location of the clinical cannabis establishment would be convenient to serve the needs of qualifying patients and designated caregivers;

(G) The adequacy of the size of the clinical cannabis establishment to serve the needs of qualifying patients and designated caregivers;

(H) The type of integrated plan for the care, quality, and safekeeping of cannabis and clinical cannabis products from seed to sale;

(I) Where clinical cannabis establishments are located in each grand division and throughout the state; and

(J) Any other criteria of merit that the commission determines to be relevant.

(c) Each license issued must have a unique identification number.

(d) In addition to subsections (a)-(c) and in accordance with rules promulgated by the commission, the commission shall use the following procedures and criteria to award licenses:

(1) The commission shall issue licenses in the following numbers; provided, that the commission shall not issue a license to an applicant unless the applicant meets all of the requirements of this chapter:

(A) For each of the three (3) grand divisions, at least fifteen (15), but no more than twenty-five (25), clinical licenses;

(B) At least three (3), but no more than six (6), cultivation licenses;

(C) For each of the three (3) grand divisions, at least two (2), but no more than three (3), vertically integrated licenses; and

(D) Processing licenses as determined by the commission, but not more than one hundred ten (110) processing licenses;

(2) The commission shall make a decision on any qualifying application as expeditiously as possible;

(3) To ensure geographic representation and broad access to clinical cannabis products, the commission shall prioritize the issuance of clinical licenses so that clinical cannabis centers are dispersed throughout rural and urban counties;

(4) The commission shall give additional consideration as to whether the county where the proposed clinical cannabis establishment being applied for is located in, first, an economically distressed county or, second, in an at-risk

county as determined by the department of economic and community development for the most recent fiscal year;

(5) Applicants for cultivation licenses, processing licenses, clinical licenses, and vertically integrated licenses must comply with the following requirements:

(A) An individual applicant for a cultivation license, processing license, clinical license, or vertically integrated license must be a natural person:

(i) Is at least twenty-one (21) years of age;

(ii) Is a current resident of this state;

(iii) Has not previously held a license for a clinical cannabis center, cultivation facility, integrated facility, or processing facility that has been revoked;

(iv) Has not been convicted of a felony offense;

(v) If possessing a professional license, has the license in good standing; and

(vi) Has no outstanding tax delinquencies owed to the state of Tennessee;

(B) An applicant for a cultivation license, processing license, clinical license, or vertically integrated license that is an entity must have a natural person acting on behalf of the applicant who:

(i) Complies with subdivision (d)(5)(A);

(ii) Is legally authorized to submit an application on behalf of the entity;

(iii) Serves as the primary point of contact with the commission; and

(iv) Submits sufficient proof that:

(*a*) The entity has no owner, board member, or officer under twenty-one (21) years of age;

(*b*) Fifty-one percent (51%) of the equity ownership interests in the entity are held by individuals who are residents of this state;

(*c*) The entity has no owner, board member, or officer that has previously been an owner of a clinical cannabis center, cultivation facility, integrated facility, or processing facility that has had its license revoked;

(*d*) The entity has no owner, board member, or officer that has been convicted of a felony offense;

(*e*) If an owner, board member, or officer has or had a professional license, the person's license is in good standing;

(*f*) The entity has no owner, board member, or officer that owes delinquent taxes to the state of Tennessee; and

(*g*) The entity has owners with experience in managing and securing large quantities of cash and experience in regulated industries;

(C) Applicants for a clinical license, cultivation license, and processing license shall provide:

(i) Proof of assets or a surety bond in the amount of two million dollars ($2,000,000); and

(ii) Proof of at least one million dollars ($1,000,000) in liquid assets; and

(D) Applicants for a vertically integrated license shall provide:

(i) Proof of assets or a surety bond in the amount of ten million dollars ($10,000,000); and

(ii) Proof of at least five million dollars ($5,000,000) in liquid assets; and

(6)

(A) Each vertically integrated license recipient is authorized to operate up to five (5) clinical cannabis centers under one (1) vertically integrated license, but is only required to operate one (1); and

(B) The integrated facility and at least one (1) clinical cannabis center associated with a vertically integrated license must be operated within the same grand division unless a waiver is obtained from the commission. Any additional clinical cannabis centers associated with the vertically integrated license may be operated in the same grand division or any county in the state, subject to this chapter.

68-7-106.

(a) The cultivation of clinical cannabis, the production of clinical cannabis product, and the dispensing of clinical cannabis product by appropriately licensed clinical cannabis establishments is authorized within the jurisdictional boundaries of each county and municipality of this state.

(b) The legislative body of any county or municipality may enact reasonable zoning regulations applicable to clinical cannabis establishments; provided, that the regulations must not be more burdensome than those applicable to pharmacies and medical offices.

(c)

(1) Except as provided in subdivision (c)(2), the legislative body of any county or municipality may, at any time, opt out of subsection (a) and restrict the establishment of any cultivation facility, processing facility, integrated facility, or

clinical cannabis center within its jurisdictional boundaries in accordance with subsection (d); provided, that any action by a county legislative body is limited to the unincorporated areas of the county.

(2) Any action taken by the legislative body of a county or municipality in accordance with subsections (d) and (e) does not restrict the establishment or operation of a cultivation facility, processing facility, integrated facility, or clinical cannabis center within its jurisdictional boundaries if the facility or center is licensed or conditionally licensed by the commission prior to the restrictive action.

(d)

(1) The legislative body of any county may opt out of subsection (a) and restrict the establishment of a cultivation facility, processing facility, integrated facility, or clinical cannabis center within the unincorporated areas of the county by passage of a resolution.

(2) The legislative body of any municipality or any county with a metropolitan form of government may opt out of subsection (a) and restrict the establishment of a cultivation facility, processing facility, integrated facility, or clinical cannabis center within its jurisdictional boundaries by passage of an ordinance.

(3) A resolution or ordinance authorizing opt-out pursuant to subdivision (d)(1) or (d)(2) does not take effect unless it is approved by a two-thirds (2/3) majority vote of the appropriate legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the county or municipality voting in an election held in accordance with subsection (e) on the question of whether the opt-out should be authorized.

(e)

(1) If there is a petition of registered voters amounting to ten percent (10%) of the votes cast in the county or municipality in the last gubernatorial election that is filed with the county election commission within thirty (30) days of final approval of a resolution described in subdivision (d)(1) or an ordinance described in subdivision (d)(2), then the county election commission shall call an election on the question of whether the county or municipality should opt out of subsection (a) and restrict the establishment of a cultivation facility, processing facility, integrated facility, or clinical cannabis center within its jurisdictional boundaries.

(2) The local governing body shall direct the county election commission to call the election to be held in a regular election or in a special election for the purpose of approving or rejecting an opt-out.

(3) The ballots used in the election must have printed on them the substance of the resolution or ordinance and the voters must vote for or against its approval by majority vote.

(4) The votes cast on the question must be canvassed and the results proclaimed by the county election commission and certified by it to the local governing body.

(f)

(1) Any county or municipality that has previously opted out under this section may opt in at a later date by passage of a resolution or ordinance by a majority vote at two (2) consecutive, regularly scheduled meetings or in accordance with subdivision (f)(2).

(2)

(A) The county election commission shall call and hold an election at the next regular election of the county or municipality, as the case may be, upon receipt of a petition not less than sixty (60) days

before the date on which an election is scheduled to be held, signed by residents of the county or municipality, amounting to ten percent (10%) of the votes cast in the county or municipality in the last gubernatorial election, requesting the holding of the election.

(B)

(i) The petition must be addressed to the county election commission and must read substantially as follows:

We, registered voters of _____ (Here insert name of county or municipality, as appropriate), do hereby request the holding of a local option election to authorize the establishment of a [licensed cultivation facility, licensed processing facility, licensed integrated facility, or licensed clinical cannabis center] within the [county or municipal] jurisdictional boundaries.

(ii) The petition must also contain:

(a) The signatures and addresses of registered voters only, pursuant to § 2-1-107;

(b) The printed name of each signatory; and

(c) The date of signature.

(C) An election called and held in a county applies only to those portions lying without the corporate limits of any municipality within the county. Petitioners for the election and the voters participating in the election must reside within the portions of the county lying outside the corporate limits of municipalities.

(D)

(i) Registered voters of the county or municipality, as appropriate, may vote in the election. Ballots must be in the form

prescribed by the general election laws of the state, except as otherwise provided in this section.

(ii) The questions submitted to the voters must be in the following form:

To authorize the establishment of a [licensed cultivation facility, licensed processing facility, licensed integrated facility, or licensed clinical cannabis center] in _____ (Here insert name of county or municipality)

To prohibit the establishment of a [licensed cultivation facility, licensed processing facility, licensed integrated facility, or licensed clinical cannabis center] in _____ (Here insert name of county or municipality)

(E)

(i) The county election commission shall certify the results to the appropriate local governing body.

(ii) Not more than one (1) election in any county or municipality is authorized to be held under this chapter within any period of twenty-four (24) months. However, no election in a county in which a municipality is located is an election held in the municipality within the meaning of this subdivision (f)(2).

(g) Except as otherwise provided by this section, a clinical cannabis establishment is authorized within the jurisdictional boundaries of each county and municipality of this state.

68-7-107.

(a) The commission shall establish a schedule of fees as follows, as long as the renewal fees in aggregate do not exceed the commission's costs in administering the state's clinical cannabis program, including any expenses related to research:

(1) For a clinical license, a nonrefundable application fee in the amount of ten thousand dollars ($10,000), and an annual licensing renewal fee established by the commission in an amount not to exceed ten thousand dollars ($10,000);

(2) For a cultivation license, a nonrefundable application fee in the amount of fifty thousand dollars ($50,000), and an annual licensing renewal fee established by the commission in an amount not to exceed fifty thousand dollars ($50,000);

(3) For a processing license, a nonrefundable application fee in the amount of fifty thousand dollars ($50,000), and an annual licensing renewal fee established by the commission in an amount not to exceed fifty thousand dollars ($50,000);

(4) For a vertically integrated license, a nonrefundable application fee in the amount of one hundred thousand dollars ($100,000), and an annual licensing renewal fee established by the commission in an amount not to exceed one hundred thousand dollars ($100,000);

(5) For a testing license, a nonrefundable application fee in the amount of one thousand dollars ($1,000), and an annual licensing renewal fee established by the commission in an amount not to exceed one thousand dollars ($1,000);

(6) For a research license, a nonrefundable application fee in the amount of one thousand dollars ($1,000), and an annual licensing renewal fee established by the commission in an amount not to exceed one thousand dollars ($1,000); and

(7) For a clinical cannabis establishment agent registration card, a nonrefundable application fee in the amount of fifty dollars ($50.00), and an annual licensing renewal fee established by the commission in an amount not to exceed fifty dollars ($50.00).

(b) The commission shall review the fee schedule and its administrative costs every two (2) years and reschedule renewal fees as necessary to ensure compliance with the requirement that the renewal fees in aggregate do not exceed the commission's costs in administering the state's clinical cannabis program. Any rescheduled renewal fees become effective the next January 1 after promulgation.

(c) The scheduling and rescheduling of renewal fees in accordance with this section must be done pursuant to rulemaking procedures set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

68-7-108.

(a) Except as otherwise provided in this section, a person shall not work at a clinical cannabis establishment as a clinical cannabis establishment agent unless the person is registered with the commission pursuant to this section.

(b) A clinical cannabis establishment that wishes to employ a clinical cannabis establishment agent must submit to the commission an application on a form prescribed by the commission. The application must be accompanied by:

(1) The name, address, and date of birth of the prospective clinical cannabis establishment agent;

(2) A statement signed by the prospective clinical cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with this chapter;

(3) A statement signed by the prospective clinical cannabis establishment agent asserting that the prospective agent has not previously had a clinical cannabis establishment agent registration card revoked;

(4) The license fee described in § 68-7-107; and

(5) Any other information as the commission may require by rule.

(c) The following criteria disqualify a person from serving as a clinical cannabis establishment agent:

(1) Being younger than twenty-one (21) years of age; or

(2) Having been convicted of any felony offense.

(d)

(1) A person applying for employment as a clinical cannabis establishment agent must:

(A) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation; and

(B) Agree that the Tennessee bureau of investigation may send information indicating the results of the criminal history records check to the commission and the clinical cannabis establishment.

(2) The applicant shall pay any reasonable costs incurred by the Tennessee bureau of investigation or federal bureau of investigation, or both, in conducting an investigation of the applicant. A clinical cannabis establishment may reimburse the applicant for the costs of the investigation regardless of whether the applicant accepts an offer of employment by the clinical cannabis establishment.

(e) An owner, officer, or board member of a clinical cannabis establishment who previously furnished information and fingerprints pursuant to § 68-7-103 is not required to resubmit the information or fingerprints under this section.

(f)

(1) If an applicant for registration as a clinical cannabis establishment agent complies with this section and is not disqualified from serving as an agent, then the commission shall issue to the person a clinical cannabis establishment agent registration card.

(2) If the commission does not act upon an application for a clinical cannabis establishment agent registration card within thirty (30) days after the date on which the application is received, then the application is deemed conditionally approved until such time as the commission acts upon the application.

(g) A clinical cannabis establishment agent registration card expires one (1) year after the date of issuance and shall be renewed upon:

(1) Resubmission of the information set forth in this section; provided, that fingerprints are not required to be resubmitted; and

(2) Payment of the renewal fee described in § 68-7-107.

(h) Notwithstanding subsection (b), a person may submit an application for registration as a clinical cannabis establishment agent independent of a clinical cannabis establishment. A clinical cannabis establishment that hires a person registered as a clinical cannabis establishment agent is not required to submit a new application for the agent.

(i) A clinical cannabis establishment shall notify the commission no later than ten (10) days after a clinical cannabis establishment agent whose employment is terminated for cause and involving theft, fraud, diversion, or other criminal activity.

68-7-109.

(a) Cultivation licenses, processing licenses, clinical licenses, and vertically integrated licenses are nontransferable for a period of two (2) years after the license was issued by the commission. The commission may adopt rules prescribing the manner in which a license may be transferred and a fee for the transfer of the license.

(b) Clinical cannabis establishment agent registration cards are nontransferable. An existing clinical cannabis establishment agent registration card may only be reissued outside of the application process described in § 68-7-108 to reflect a change in ownership of the clinical cannabis establishment.

68-7-110.

(a) A person shall not transport cannabis or a clinical cannabis product on any public highway unless the person is an agent of a clinical cannabis center, cultivation facility, integrated facility, or processing facility transporting the cannabis or clinical cannabis products.

(b) Cannabis or a clinical cannabis product transported on a public highway must comply with all inventory tracking rules promulgated by the commission, including any relevant packaging, labeling, and seals.

(c) This section does not apply to an allowable amount of clinical cannabis products in the possession of a cardholder or to law enforcement officers in performance of their duties.

68-7-111.

(a) The following are grounds for the commission to revoke a license:

(1) Dispensing, delivering, or otherwise transferring cannabis to a person other than a clinical cannabis establishment agent, another clinical cannabis establishment, a person or entity issued a research license, a patient who holds a valid registry identification card, or the designated caregiver of the patient;

(2) Acquiring usable cannabis or mature cannabis plants from any person other than a clinical cannabis establishment agent or another clinical cannabis establishment;

(3) Dispensing an unauthorized form of cannabis or clinical cannabis product to a qualifying patient or designated caregiver; or

(4) Violating a rule promulgated pursuant to this chapter; provided, that the rule, expressly or by reference, provides that a violation of the rule is grounds for revocation of a clinical cannabis establishment license.

(b) The following are grounds for the commission to revoke a clinical cannabis establishment agent registration card:

(1) Conviction of a felony offense;

(2) Dispensing, delivering, or otherwise transferring cannabis to a person other than a clinical cannabis establishment agent, a person or entity issued a research license, another clinical cannabis establishment, a patient who holds a valid registry identification card, or the designated caregiver of the patient;

(3) Dispensing an unauthorized form of cannabis or clinical cannabis product to a qualifying patient or designated caregiver; or

(4) Violating a rule promulgated pursuant to this chapter if the rule, expressly or by reference, provides that a violation of the rule is grounds for revocation of a clinical cannabis establishment agent registration card.

(c) The licensure of clinical cannabis establishments and registration of clinical cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this state. A license issued pursuant to § 68-7-105 and a clinical cannabis establishment agent registration card issued pursuant to § 68-7-108 are revocable privileges, and the holder of the license or registration card, as applicable, does not acquire a vested right in the license or registration card.

68-7-112.

(a) The operating documents of a clinical cannabis establishment must include procedures:

(1) For the oversight of the clinical cannabis establishment;

(2) To ensure accurate recordkeeping, including the requirements of §§ 68-7-113 and 68-7-114; and

(3) Supporting good agricultural practices and good manufacturing practices, as applicable.

(b) A clinical cannabis establishment must have a system of physical controls to deter and prevent theft of clinical cannabis products and unauthorized entrance into areas containing clinical cannabis products.

(c) A clinical cannabis establishment is prohibited from acquiring, possessing, cultivating, manufacturing, processing, delivering, transferring, transporting, supplying, or dispensing cannabis for any purpose except to:

(1) Directly or indirectly assist qualifying patients who possess valid registry identification cards; and

(2) Directly or indirectly assist qualifying patients who possess valid registry identification cards by way of those patients' designated caregivers.

(d) All cultivation or production of cannabis that a cultivation facility, integrated facility, or processing facility carries out or causes to be carried out must take place at a secure facility at the physical address provided to the commission during the licensure process for the cultivation facility, integrated facility, or processing facility. The secure facility must be accessible only by clinical cannabis establishment agents who are lawfully associated with the cultivation facility, integrated facility, or processing facility. However, limited access by persons necessary to perform maintenance, construction, or repairs or provide other labor is permissible if the persons are supervised by a clinical cannabis establishment agent.

(e) Clinical cannabis establishments are subject to reasonable inspection by or on behalf of the commission at any time, and a person or entity that holds a clinical cannabis establishment license must be available, or make a representative of the establishment available, and present for any inspection of the establishment by or on behalf of the commission.

68-7-113.

(a)

(1) Each clinical cannabis establishment shall maintain an inventory control system that meets the requirements of this section and all requirements established by the commission.

(2) The inventory control system must be able to monitor and report information, including:

(A) The chain of custody and current whereabouts, in near real time, of cannabis from the point that a seed, cutting, or clone is planted at a cultivation facility and processed into a clinical cannabis product at a processing facility;

(B) The chain of custody and current whereabouts, in near real time, of a clinical cannabis product from the point that it is produced at a processing facility until it is sold or dispensed at a clinical cannabis center;

(C) In the case of an integrated facility, the chain of custody and current whereabouts, in near real time, of cannabis from the point that a seed, cutting, or clone is planted and processed into a clinical cannabis product at an integrated facility until it is sold or dispensed at a clinical cannabis center;

(D) The name of each person or other clinical cannabis establishment, or both, to which the establishment transferred or sold cannabis or a clinical cannabis product;

(E) In the case of a clinical cannabis center, the date on which the center sold or dispensed a clinical cannabis product to a person who holds a valid registry identification card and the quantity of clinical cannabis products sold or dispensed; and

(F) Any other information the commission may require by rule.

(3) Except where otherwise prohibited by federal law, this section does not prohibit more than one (1) clinical cannabis establishment from co-owning or using an inventory control system in cooperation with other clinical cannabis establishments, or sharing the information obtained from the system.

(b)

(1) Except as provided in subsection (c), each clinical cannabis establishment shall maintain a digital video surveillance system that meets the requirements of this section and all requirements established by the commission.

(2) The video surveillance system must comply with the following requirements:

(A) Each clinical cannabis establishment shall install and use security cameras to continuously monitor and record, twenty-four (24) hours per day, all areas where cannabis is cultivated, processed, stored, disposed of, and loaded or unloaded for transportation, including any areas through which cannabis or a clinical cannabis product is moved within the premises from cultivation, processing, storage, disposal, or transport, such as hallways and staging areas;

(B) Security cameras must record in high definition and allow for clear and certain identification of any person and activities in all areas required to be monitored in accordance with subdivision (b)(2)(A);

(C) Recordings from security cameras must be maintained for a minimum of ninety (90) days in a secure location or through a service over a network that provides remote, peer-to-peer access;

(D) Except as provided in subsection (d), all live video surveillance system feeds must be accessible by the commission via remote login credentials, and the commission may authorize the inspection of video surveillance system recordings by authorized Tennessee bureau of investigation personnel upon request;

(E) The video surveillance system must have the ability to remain operational during a power outage and be equipped with a failure notification system that provides notification to the clinical cannabis

establishment of any interruption or failure of the video surveillance system or video surveillance system data storage device; and

(F) All recorded video must display a time and date stamp.

(c)

(1) Clinical cannabis centers, cultivation facilities, integrated facilities, and processing facilities are not required to have a video surveillance system in any vehicle used to transport cannabis or a clinical cannabis product, but shall maintain a video surveillance system in accordance with this section in areas under their control that are used to store cannabis or clinical cannabis products awaiting transport, including warehouse facilities and secure parking lots.

(2) Any vehicle used by a clinical cannabis center, cultivation facility, integrated facility, or processing facility to transport cannabis or clinical cannabis products must be equipped with a system that provides time-correlated and continuous tracking of the geographic location of the vehicle using a global positioning system (GPS) based on satellite and other location tracking technology when the vehicle is used to transport cannabis or clinical cannabis products.

(d) This section does not restrict a clinical cannabis center from using a video surveillance system in areas where clinical cannabis products are sold or dispensed to cardholders; however, to maintain patient privacy protections, the live video surveillance system feed must not be made available as provided in subdivision (b)(2)(D).

(e) In addition to any report filed with law enforcement, a clinical cannabis establishment shall notify the commission within one (1) business day of any notice of theft or significant loss of cannabis or clinical cannabis products.

68-7-114.

(a) Each clinical cannabis center must have the capability to send data to and receive data from the electronic verification system established by the commission pursuant § 68-7-205 in a manner prescribed by the commission.

(b) Each clinical cannabis center shall check the electronic verification system established by the commission pursuant to § 68-7-205 prior to dispensing any clinical cannabis products described in § 68-7-119 to determine if the cardholder's registry identification card is valid.

(c) A clinical cannabis center must exercise reasonable care to ensure that the personal identifying information of cardholders is protected and not divulged for any purpose not specifically authorized by law.

(d) Each clinical cannabis center shall ensure the following:

(1) That the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredient in all clinical cannabis products the clinical cannabis center sells is clearly and accurately stated on the product sold;

(2) That the clinical cannabis center does not sell more than the allowable amount of clinical cannabis products to or for a qualifying patient in any one (1) thirty-day period;

(3) That the clinical cannabis center does not sell clinical cannabis product in any form other than an authorized form;

(4) That, prior to or upon the dispensing of a clinical cannabis product, the qualifying patient, or designated caregiver if the qualifying patient is unable, completes and submits the longitudinal study form developed by the commission and complies with any additional research license program requirements of which the patient is a participant; and

(5) That the authorized forms and allowable amounts of clinical cannabis products for clinical use, as developed by the commission, are clearly and conspicuously posted within the clinical cannabis center.

68-7-115.

(a) At each clinical cannabis establishment, cannabis and clinical cannabis products must be stored in a secure facility.

(b) Except as otherwise provided in subsection (c), at each clinical cannabis center, clinical cannabis products must be stored in a secure, locked device, display case, cabinet, or room within a secure facility.

(c) At a clinical cannabis center, clinical cannabis products may only be removed from the secure setting described in subsection (b):

(1) For the purpose of dispensing the clinical cannabis product; provided, that the clinical cannabis product is only removed immediately before the clinical cannabis product is dispensed and only by a clinical cannabis establishment agent who is employed by the clinical cannabis center; or

(2) For other purposes expressly authorized by the commission and in strict compliance with rules promulgated by the commission.

68-7-116.

(a) A nonresident card is recognized as valid in this state only under the following circumstances:

(1) The state or jurisdiction from which the bearer obtained the nonresident card grants an exception from criminal prosecution for the clinical use of cannabis;

(2) The state or jurisdiction from which the bearer obtained the nonresident card requires, as a prerequisite to the issuance of the card, that a practitioner complete and sign a written certification, or similar document, that specifies a bearer's debilitating medical condition;

(3) The nonresident card has an expiration date and has not yet expired;

(4) The nonresident cardholder provides evidence, in the form of a signed affidavit or other form as determined by the commission, that the nonresident cardholder is:

(A) Entitled to engage in the clinical use, or assist in the clinical use, of cannabis in the person's state or jurisdiction of residence; and

(B) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition; and

(5) The nonresident cardholder complies with restrictions on how cannabis may be used in this state and the legal limits regarding the allowable amount that may be possessed for clinical use.

(b) For purposes of the reciprocity described in this section:

(1) The authorized form and the amount of cannabis that the nonresident cardholder is entitled to possess in the cardholder's state or jurisdiction of residence are not relevant; and

(2) While present in this state, the nonresident cardholder shall not possess cannabis in an amount that exceeds the allowable amount or in a form that is not an authorized form of cannabis.

(c) The commission shall publish on its website the states or jurisdictions to which this state grants reciprocity and the affidavit form described in subdivision (a)(4).

68-7-117. Each clinical cannabis center, integrated facility, and processing facility, in consultation with the commission, shall ensure that all clinical cannabis products for sale are:

(1) Labeled clearly and unambiguously as clinical cannabis, with the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredients clearly indicated;

(2) Upon dispensing, labeled clearly with dosage information, the qualifying patient's name and unique identification number, and a "use by" date;

(3) Upon dispensing, accompanied with instructions for use;

(4) Not presented in packaging or in a form that is appealing to children;

(5) Regulated and sold on the basis of the concentration of THC, cannabidiol, and cannabinol in the products and not solely by weight; and

(6) Packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

68-7-118.

(a) The commission shall perform all statutory and regulatory inspection and enforcement requirements of testing facilities under this chapter. The commission may engage qualified contractors or other state agencies to implement this section.

(b) The commission shall issue testing licenses to at least three (3) independent testing facilities, with at least one (1) issued per grand division.

(c) Product testing must be performed during cultivation and final processing to ensure that limits on the regulated constituents have been met prior to point of sale.

(d) The protocols for testing must include, but are not limited to, the following constituents:

(1) Cannabinoids;

(2) Heavy metals;

(3) Microbials;

(4) Mycotoxins;

(5) Residual pesticides; and

(6) Residual solvents.

(e) To obtain a testing license from the commission, an applicant must:

(1) Apply successfully as required pursuant to § 68-7-103; and

(2) Pay the requisite fees described in § 68-7-107.

(f) The cultivation, manufacture, and distribution or sale without independent testing to standards determined by the commission under this chapter is prohibited. A violation of this subsection (f) is a Class C felony.

68-7-119.

(a) A clinical cannabis center is authorized to sell:

(1) Clinical cannabis products containing concentrations of greater than three-tenths of one percent (0.3%) but less than nine-tenths of one percent (0.9%) of THC as a behind-the-counter product to any person who is a cardholder; and

(2) Clinical cannabis products containing concentrations of nine-tenths of one percent (0.9%) or more of THC to any person who is a cardholder.

(b) The maximum allowable amount of a clinical cannabis product described in subdivision (a)(2) that may be dispensed to or for a qualifying patient for a thirty-day period is two thousand eight hundred milligrams (2,800 mg) of THC.

(c)

(1) A clinical cannabis center shall ensure that every cardholder has received a medication therapy management consultation from a qualified pharmacist:

(A) Upon issuance of a temporary registry identification card;

(B) If it is the cardholder's first transaction at a clinical cannabis center;

(C) Upon renewal of a registry identification card; and

(D) Upon request by the cardholder.

(2) A consultation pursuant to this subsection (c) may be in person or via telephone or other live electronic communication.

(3) During a consultation, a qualified pharmacist may recommend a dosing level, but the dosing level must not exceed two thousand eight hundred

milligrams (2,800 mg) of THC. For a qualifying patient to receive a clinical cannabis product containing concentrations of nine-tenths of one percent (0.9%) or more of THC in an amount greater than six hundred milligrams (600 mg), the qualified pharmacist must document this dosage recommendation during a medication therapy management consultation with the patient.

(4) Any qualified pharmacist acting in good faith and with reasonable care in the provision of consultation services pursuant to this section is immune from disciplinary or adverse administrative actions for acts or omissions during the provision of consultation services.

(5) Any qualified pharmacist involved in the provision of consultation services pursuant to this section is immune from civil liability for actions authorized by this section in the absence of gross negligence or willful misconduct.

(d) Prior to dispensing a clinical cannabis product described in subsection (a), the clinical cannabis center shall:

(1) Have the qualifying patient complete and submit the longitudinal study form developed by the commission;

(2)

(A) Identify whether the qualifying patient is a participant in a current research license program; and

(B) Ensure the qualifying patient complies with any requirements of the research license program, including data collection; and

(3) Review the clinical cannabis products dispensed to or for the qualifying patient and update the information in a manner required by the commission.

(e) This section does not authorize a clinical cannabis center to sell a clinical cannabis product described in subsection (a) to a person presenting a nonresident card.

(f) A person who is a prospective cardholder may present an application receipt issued pursuant to § 68-7-201(e)(2) in lieu of a registry identification card for up to forty-five (45) days from the date of issuance.

(g) A clinical cannabis center shall provide applicable clinical cannabis program information and data to the commission upon request or as required by the commission.

68-7-120.

(a)

(1) The commission is responsible for accepting applications from eligible entities seeking to be issued a research license to research or study clinical cannabis in this state. The commission shall establish application requirements and publish those requirements on its website.

(2) The commission shall act on each completed application received in accordance with this subsection (a) within sixty (60) days of receipt.

(3) An applicant who submits an application in accordance with this subsection (a) and whose application for a research license is denied may appeal the denial in accordance with procedures established by the commission by rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) In evaluating an application by an eligible entity for a research license, the commission shall consider:

(A) The nature of the medical research or study to be conducted, including medical conditions or symptoms, duration of the research or study, and modalities and dosages of clinical cannabis products, and whether the applicant provided a plain narrative describing the goals and type of research or study to be conducted;

(B) The previous experience of the applicant in conducting or organizing medical research or studies;

(C) Any demonstrated knowledge or expertise on the part of the applicant with respect to the clinical use of cannabis or clinical cannabis products;

(D) The applicant's understanding of and compliance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.), and other federal and state confidentiality laws;

(E) Whether the research or study will include peer-reviewed publishing of results;

(F) Whether the research or study will evaluate the effectiveness of clinical cannabis products compared to United States food and drug administration (FDA) approved drugs;

(G) The applicant's plan for adverse event reporting; and

(H) Any other criteria of merit that the commission determines to be relevant.

(c) A research license authorizes an eligible entity to research or study clinical cannabis in this state and lasts until the eligible entity completes the approved research or study or after one (1) year, whichever is shorter. If the eligible entity will not complete the approved research or study at the end of one (1) year, the research license may be renewed for up to one (1) additional year upon the eligible entity paying the fee described in § 68-7-107. An eligible entity must reapply for a medical research or study that extends beyond two (2) years.

(d) An eligible entity issued a research license is authorized to:

(1) Contract with a cultivation facility, integrated facility, or processing facility for the production of clinical cannabis products specific to the research or study; and

(2) Coordinate with the commission for the administration, collection, and compilation of research forms and data through clinical cannabis centers.

(e) An eligible entity issued a research license pursuant to this section is immune from civil liability for actions authorized by this section in the absence of gross negligence or willful misconduct.

(f) For purposes of this section, "eligible entity" means:

(1) An accredited:

(A) College or university;

(B) Medical school; or

(C) School or college of pharmacy;

(2) A health-related organization that has received a determination of exemption from the United States internal revenue service pursuant to 26 U.S.C. § 501(c)(3), if the organization is currently operating under the exemption; or

(3) Any corporation, limited liability company, or other business entity approved by the commission.

68-7-121.

(a) A person shall not act as a qualified pharmacist unless registered with the commission in accordance with this section.

(b) To be registered as a qualified pharmacist, a person must:

(1) Complete at least two (2) hours of continuing education on medicinal cannabis biennially; and

(2) Submit an application to the commission on a form prescribed by the commission. The application must include:

(A) Proof that the applicant is licensed as a pharmacist under title 63, chapter 10, and in good standing with the board of pharmacy; and

(B) Proof that the applicant is in compliance with the requirement that a qualified pharmacist must complete at least two (2) hours of continuing education on medicinal cannabis biennially.

(c) Registration as a qualified pharmacist expires one (1) year from the date of issuance.

(d) Registration may be renewed by submission of a renewal application in a form prescribed by the commission. The renewal application must include:

(1) Proof that the applicant is still licensed as a pharmacist under title 63, chapter 10, and in good standing with the board of pharmacy; and

(2) Proof that the applicant is in compliance with the requirement that a qualified pharmacist must complete at least two (2) hours of continuing education on medicinal cannabis biennially.

68-7-122.

Any person or entity operating under a license issued pursuant to this chapter shall maintain confidentiality of patient information and data in conformity with standards established under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.), and the rules and regulations promulgated by federal authorities in connection with HIPAA.

68-7-201.

(a)

(1) Except as provided in subsections (b) and (g), the commission shall issue a registry identification card to a qualifying patient who is a resident of this state or a contiguous state and who submits an application on a form prescribed by the commission accompanied by the following:

(A) A written certification issued by a practitioner, including a confirmation of diagnosis of a debilitating medical condition if applicable, not more than ninety (90) days before the date of the application;

(B) An application fee of thirty-five dollars ($35.00);

(C) The name, address, telephone number, social security number, and date of birth of the qualifying patient;

(D) Proof satisfactory to the commission that the qualifying patient is a resident of this state or a contiguous state;

(E) The name, address, and telephone number of the qualifying patient's practitioner;

(F) The name, address, telephone number, social security number, and date of birth of the designated caregiver chosen by the qualifying patient; and

(G) If more than one (1) designated caregiver is designated at any given time, documentation demonstrating that more than one (1) designated caregiver is needed due to the patient's age or debilitating medical condition. Only a qualifying patient who is a resident of a healthcare facility is allowed to have more than two (2) designated caregivers at one (1) time.

(2) A prospective cardholder shall submit the application and application fee for the registry identification card to the commission.

(b) The commission shall issue a registry identification card to a qualifying patient who is less than eighteen (18) years of age if the custodial parent or legal guardian with responsibility for healthcare decisions for the person under eighteen (18) years of age:

(1) Submits the materials required pursuant to subsection (a); and

(2) Signs a written statement setting forth that the parent or guardian consents to allowing the qualifying patient's clinical use of clinical cannabis products and will:

(A) Serve as the qualifying patient's designated caregiver; and

(B) Control the acquisition, dosage, and administration of the clinical cannabis product for the qualifying patient.

(c) A qualifying patient who is younger than eighteen (18) years of age and who is emancipated by marriage, court order, or in any other way recognized by law in this state has all the rights and responsibilities of an adult under this chapter, except to the extent those rights are restricted by court order.

(d) If a qualifying patient is unable to personally submit the information required by this section due to the person's age or debilitating medical condition, the person with the legal authority to make medical decisions for the qualifying patient may do so on behalf of the qualifying patient.

(e) Upon receipt of an application that is completed and submitted pursuant to this section, the commission shall:

(1) Record the date on which the application was received;

(2) Immediately issue proof of receipt to the applicant; and

(3) Distribute written or electronic copies of the application in the following manner:

(A) One (1) copy to the qualifying patent's practitioner; and

(B) One (1) copy to the board of medical examiners if the practitioner is licensed to practice medicine pursuant to title 63, chapter 6, or one (1) copy to the board of osteopathic examination if the practitioner is licensed to practice osteopathic medicine pursuant to title 63, chapter 9.

(f)

(1) The commission shall verify the information contained in an application submitted pursuant to this section and approve or deny the application within thirty (30) days of receiving a completed application. The commission may contact the qualifying patient, or qualifying patient's custodial parent or legal guardian if applicable, and the qualifying patient's practitioner and

designated caregiver by telephone to determine that the information provided on or accompanying the application is accurate.

(2) Within five (5) days of approving an application, the commission shall issue registry identification cards to the qualifying patient and the patient's designated caregiver, if applicable. A designated caregiver must have a registry identification card for each of the caregiver's qualifying patients.

(g) The commission may deny an application only on the following grounds:

(1) The applicant:

(A) Did not provide the required information, fee, or accompanying materials;

(B) Materially failed to comply with rules promulgated by the commission to effectuate this chapter;

(C) Previously had a registry identification card revoked; or

(D) Previously had a registry identification card suspended for a conviction under § 68-7-303(c), possession of an unauthorized form of cannabis; or

(2) The commission:

(A) Determines that the qualifying patient's practitioner is not licensed in this state or is not in good standing with the board of medical examiners or board of osteopathic examination, as applicable; or

(B) Determines that false information was knowingly provided by the applicant.

(h) If the commission denies an application for a registry identification card, then the qualifying patient or, in the case of an unemancipated person under eighteen (18) years of age, the person's parent or legal guardian, may appeal the denial with the commission. The denial of an application for a registry identification card following administrative review is considered a final action, subject to judicial review. Any

administrative or judicial review of the denial of an application for a registry identification card must be in accordance with the procedures set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

68-7-202.

(a) When issuing a registry identification card to a qualifying patient, the commission shall also issue a registry identification card to each person identified as a designated caregiver by the qualifying patient if the designated caregiver:

(1) Is a resident of this state or a contiguous state;

(2) Is at least twenty-one (21) years of age or a parent or legal guardian of a qualifying patient;

(3) Has agreed in writing, on a form prescribed by the commission, to assist with the qualifying patient's clinical use of a clinical cannabis product;

(4) Has not been convicted of a disqualifying felony offense;

(5) Has not previously had a registry identification card revoked;

(6) Has not previously had a registry identification card suspended for a conviction under § 68-7-303(c), possession of an unauthorized form of cannabis; and

(7) Does not assist more than five (5) qualifying patients with their clinical use of a clinical cannabis product, unless the designated caregiver's qualifying patients each reside in or are admitted to a healthcare facility where the designated caregiver is employed.

(b) A qualifying patient must submit an application, on a form prescribed by the commission, to designate a new caregiver or change the patient's designated caregiver. An application fee of fifteen dollars ($15.00), or other amount as determined by the commission, applies.

(c) Prior to issuing a registry identification card to a designated caregiver, the commission shall:

(1) Conduct a criminal history records check of the designated caregiver to determine whether the caregiver has been convicted of a disqualifying felony offense;

(2) Verify that the designated caregiver has not previously had a registry identification card revoked; and

(3) Verify that the designated caregiver is not currently registered as assisting five (5) or more qualifying patients with their clinical use of a clinical cannabis product or that the designated caregiver's qualifying patients reside in or are admitted to a healthcare facility where the designated caregiver is employed.

(d) The commission may deny the issuance of a registry identification card to a designated caregiver only if:

(1) The designated caregiver does not meet the requirements of subsection (a); or

(2) The qualifying patient notifies the commission that the patient no longer wishes the person to be the patient's designated caregiver.

(e) If a designated caregiver is denied the issuance of a registry identification card, then:

(1) The commission shall give written notice to the qualifying patient and designated caregiver of the reason for the denial of the registry identification card;

(2) A qualifying patient or, in the case of an unemancipated person under eighteen (18) years of age, the person's parent or legal guardian, whose chosen designated caregiver has been denied a registry identification card may appeal the denial with the commission. The denial of a designated caregiver's registry identification card following administrative review is considered a final action, subject to judicial review. Any administrative or judicial review of the denial of a

designated caregiver's registry identification card must be in accordance with the procedures set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(3) In lieu of an appeal, a qualifying patient may submit an application designating a new designated caregiver.

(f) The commission is authorized to create a designated public caregiver program in which the commission may assign a vetted volunteer to provide assistance as a designated caregiver to a qualifying patient for whom there is no designated caregiver otherwise available.

68-7-203.

(a) A registry identification card must contain all of the following:

(1) The name of the cardholder;

(2) A designation of whether the cardholder is a qualifying patient or a designated caregiver;

(3) The date of issuance and expiration date of the registry identification card;

(4) An identification number that is unique to the cardholder;

(5) If a temporary registry identification card, a temporary designation on the card;

(6) If the cardholder is a designated caregiver, the identification number of the qualifying patient the caregiver is designated to assist;

(7) The telephone number or website for the verification system established pursuant to § 68-7-205; and

(8) Security features to prevent diversion, fraud, and abuse and to track the dispensing of a clinical cannabis product to the patient.

(b) Except as provided in subsection (c), the expiration date is one (1) year after the date of issuance.

(c) If the practitioner stated in the written certification that the qualifying patient's debilitating medical condition is expected to last until a specified date and for a period of less than one (1) year, then the registry identification card expires on that date.

68-7-204.

A cardholder may submit an application for renewal of an existing registry identification card beginning sixty (60) days prior to the expiration date. An application for renewal may be submitted at a clinical cannabis center or through an online renewal procedure established by the commission.

68-7-205.

(a) The commission shall establish and maintain an electronic verification system and may use an existing electronic verification system, such as the controlled substance database established in the Tennessee Prescription Safety Act of 2016, compiled in title 53, chapter 10, part 3, for purposes of this chapter. The information kept in the system must be kept confidential except as provided in this chapter and must not be used for any purpose other than that described in this chapter.

(b) The electronic verification system must allow law enforcement personnel and clinical cannabis establishments to enter a registry identification number to determine whether the number corresponds with a valid registry identification card. For law enforcement purposes, the system may disclose only:

(1) Whether the identification card is valid; and

(2) The name of the cardholder.

(c) To ensure the privacy and confidentiality of patient records, information obtained from the electronic verification system database shall not be made a public record. Any information used in a criminal or administrative action from the database must be placed under seal or have patient names and all other personally identifying information of patients redacted.

68-7-206.

(a) A cardholder is required to notify the commission as follows:

(1) A registered qualifying patient shall notify the commission of any change in the patient's name or address, or if the registered qualifying patient ceases to have the patient's debilitating medical condition, within thirty (30) days of the change;

(2) A registered designated caregiver shall notify the commission of any change in the caregiver's name or address, or if the designated caregiver becomes aware of the death of the caregiver's qualifying patient, within thirty (30) days of the change; and

(3) If a cardholder's registry identification card becomes lost or stolen, the cardholder shall notify the commission within ten (10) days of becoming aware the card has been lost or stolen.

(b) If a qualifying patient is unable to make the notification required under subsection (a) due to the patient's age or medical condition, the patient's designated caregiver shall make the notification.

(c) When a cardholder notifies the commission of a circumstance identified in subsection (a) and the cardholder remains eligible under this chapter, the commission shall inform the cardholder whether it will issue a new registry identification card. If a new registry identification card is to be issued, the commission shall issue the cardholder a new card with a new unique identification number within ten (10) days of receiving the updated information and any fee required to replace the card. If applicable, the commission shall also issue a new registry identification card to the patient's designated caregiver within ten (10) days of receiving the updated information.

68-7-207.

(a) If the commission receives notification of a cardholder's conviction under § 68-7-303(h), then the commission shall immediately suspend the cardholder's registry identification card and promptly notify the cardholder of the reason for the suspension.

(b) The commission shall reinstate a registry identification card that has been suspended pursuant to subsection (a) upon the commission receiving written confirmation that the cardholder has fulfilled all the requirements for the sentence imposed by the court in which the cardholder was convicted of the offense; provided, that such court may authorize the commission to reinstate the registry identification card prior to the fulfillment of the requirements for the sentence. If the card is restored pursuant to this subsection (b) prior to its expiration date, then the cardholder is not required to pay an application fee for the period remaining before the card's expiration. The commission may impose a reasonable reinstatement fee of five dollars ($5.00), or other reasonable amount determined by the commission, for processing the restoration of the card.

(c) If the commission receives notification of a cardholder's conviction under § 68-7-304 or a designated caregiver's conviction for a disqualifying felony offense, then the commission shall immediately suspend the cardholder's registry identification card and shall begin the process to revoke the cardholder's card in accordance with procedures established by rule. Except pursuant to court order or commission review on appeal, a cardholder who has had a registry identification card revoked is not eligible to receive or be issued a registry identification card.

(d) A cardholder or, in the case of an unemancipated person under eighteen (18) years of age, the person's parent or legal guardian, whose registry identification card has been suspended or revoked may appeal the suspension or revocation with the commission in accordance with procedures established by the commission. The suspension or revocation of a cardholder's registry identification card following an appeal is considered a final action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the chancery court of Davidson County.

68-7-301.

(a) It is an exception to the application of title 39, chapter 17, part 4, that, at the time of the commission of an act constituting an offense under such part, the person:

(1) Was issued a valid registry identification card and in strict compliance with this chapter;

(2) Was a nonresident cardholder and in strict compliance with this chapter; or

(3) Acted in the person's capacity as a clinical cannabis establishment agent or pursuant to a research license issued by the commission and was in strict compliance with this chapter.

(b) A practitioner is not subject to arrest or prosecution under state law, or to being penalized in any manner, or denied any right or privilege, including any disciplinary action by a state professional licensing board, for completing a written certification for a qualifying patient if:

(1) The practitioner has diagnosed, or confirmed the diagnosis of, the patient as having a debilitating medical condition;

(2) The written certification is based upon the practitioner's professional opinion after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship; and

(3) The practitioner has not abused the practitioner's authority to provide written certifications or diagnoses of debilitating medical conditions, including confirmation of diagnoses as described under § 68-7-102(15)(N).

(c) A professional licensing board shall not penalize or take any disciplinary action against, or deny any right or privilege to, a person solely on the basis of the person:

(1) Being issued a valid registry identification card and acting in strict compliance with this chapter;

(2) Acting in the person's capacity as a clinical cannabis establishment agent in strict compliance with this chapter;

(3) If the person is an attorney licensed to practice law in this state, providing legal advice or services regarding activities authorized under this chapter;

(4) Providing professional advice or services regarding activity authorized under this chapter; or

(5) If a practitioner, properly issuing written certifications, regardless of the number issued.

(d) A qualifying patient or designated caregiver is presumed to be engaged in the clinical use of cannabis pursuant to this chapter if the person is in possession of a valid registry identification card, issued by this state or another and that must be presented upon request of a law enforcement officer, and an amount of clinical cannabis products in an authorized form that does not exceed the allowable amount.

68-7-302.

A clinical cannabis product, a clinical cannabis device, or other property seized from a qualifying patient or designated caregiver in connection with a claimed clinical use of cannabis under this chapter must be returned immediately upon the determination by a court that the qualifying patient or designated caregiver is entitled to the protections of this chapter, as evidenced by a decision not to prosecute, dismissal of charges, or an acquittal.

68-7-303.

(a) A qualifying patient is authorized to obtain clinical cannabis product for clinical use only from:

(1) A clinical cannabis center licensed pursuant to § 68-7-105; or

(2) A designated caregiver.

(b) A designated caregiver shall obtain clinical cannabis product for clinical use only from a clinical cannabis center licensed pursuant to § 68-7-105.

(c) A qualifying patient or designated caregiver shall not possess cannabis in any form other than an authorized form.

(d) A qualifying patient or designated caregiver shall not possess clinical cannabis product in an amount that exceeds the allowable amount.

(e) Any clinical cannabis product possessed by a qualifying patient or designated caregiver must be:

(1) Labeled clearly and unambiguously as clinical cannabis, with the weight, content, and concentration of THC, cannabidiol, cannabinol, and any other significant active ingredients clearly indicated;

(2) Labeled clearly with dosage information and the qualifying patient's name and unique identification number; and

(3) Kept with or in the labeled container or packaging provided by the licensed clinical cannabis center if the product itself is incapable of being labeled.

(f) The smoking of cannabis or any clinical cannabis product is prohibited. A clinical cannabis product that is aerosolized, nebulized, or vaporized by means of a clinical cannabis device approved by the commission or the federal food and drug administration (FDA) is not considered to be smoked.

(g) A qualifying patient or designated caregiver who knowingly violates this section commits a Class C misdemeanor.

(h) Notwithstanding subsection (g), a qualifying patient or designated caregiver who intentionally possesses a clinical cannabis product in an amount that the patient or caregiver knows to exceed the allowable amount, and the possession of such amount would be an offense under § 39-17-417, commits an offense and may be prosecuted under that section.

68-7-304.

(a) It is an offense for a person to knowingly obtain or attempt to obtain any clinical cannabis product for clinical use by:

(1) Fraud, deceit, misrepresentation, embezzlement, or theft;

(2) The forgery or alteration of a practitioner's written certification;

(3) Furnishing fraudulent medical information or concealing a material fact;

(4) The use of a false name or patient identification number, or the giving of a false address; or

(5) The forgery or alteration of a registry identification card.

(b) A violation of subsection (a) is a Class E felony.

68-7-305. A person is not subject to arrest, prosecution, or penalty in any manner, and must not be denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

(1) Being in the presence or vicinity of the clinical use of clinical cannabis products; or

(2) Allowing the person's property to be used for activities authorized by this chapter.

68-7-401.

(a) There is created the clinical cannabis commission.

(b) The commission consists of nine (9) members. The members comprising the commission must be of excellent character and reputation, not be less than thirty (30) years of age, and have been residents of this state for at least five (5) years preceding their appointment. In making appointments to the commission, the appointing authorities shall strive to ensure that the commission is composed of persons who are diverse in age, ethnicity, race, sex, geographic residency, perspective, and experience.

(c) The nine (9) members are appointed as follows:

(1) Three (3) members, appointed by the governor:

(A) One (1) member from the business community with expertise in complex supply and distribution systems;

(B) One (1) member who has demonstrated expertise and experience in law enforcement; and

(C) One (1) at-large member;

(2) Three (3) members, appointed by the speaker of the senate:

(A) One (1) member who is a healthcare professional licensed to practice medicine pursuant to title 63, chapter 6, or osteopathic medicine pursuant to title 63, chapter 9;

(B) One (1) member who has demonstrated expertise and experience in the field of agriculture; and

(C) One (1) at-large member;

(3) Three (3) members, appointed by the speaker of the house of representatives:

(A) One (1) member who is a healthcare professional licensed to practice pharmacy pursuant to title 63, chapter 10;

(B) One (1) member who has demonstrated expertise and experience in the field of finance, industry, or commerce; and

(C) One (1) member who is a qualifying patient or patient advocate; and

(4)

(A) The commission member described in subdivision (c)(2)(A) may be selected from a list of qualified healthcare professionals submitted to the speaker by interested medical groups, including, but not limited to, the Tennessee Medical Association; and

(B) The commission member described in subdivision (c)(3)(A) may be selected from a list of qualified healthcare professionals

submitted to the speaker by interested medical groups, including, but not limited to, the Tennessee Pharmacists Association.

68-7-402.

(a) In order to stagger the terms of the newly appointed commission members, initial appointments must be made prior to July 1, 2020, as follows:

(1) The speaker of the senate shall make three (3) initial appointments for a term that begins on July 1, 2020, and expires on June 30, 2022;

(2) The speaker of the house of representatives shall make three (3) initial appointments that begin on July 1, 2020, and expire on June 30, 2023; and

(3) The governor shall make three (3) initial appointments that begin on July 1, 2020, and expire on June 30, 2024.

(b)

(1) Following the expiration of members' initial terms as prescribed in subsection (a), all appointments to the commission are for terms of four (4) years and begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) All members serve until the expiration of the term to which they were appointed and until their successors are appointed.

(3) A vacancy occurring other than by expiration of term must be filled in the same manner as the original appointment but for the balance of the unexpired term only.

(4) The appointing authority may remove a member appointed by the authority only for just cause, including misconduct, incompetency, or willful neglect of duty, after first delivering to the member a copy of the charges against the member.

(5) Members are eligible for reappointment to the commission following the expiration of their terms.

(c)

(1) The appointing authority shall remove from the commission any member who is absent from more than four (4) commission meetings during any twelve-month period and shall appoint a new member to fill the remainder of the unexpired term.

(2) The presiding officer of the commission shall promptly notify, or cause to be notified, the applicable appointing authority of any member who violates the attendance requirement described in subdivision (c)(1).

(d) Prior to beginning their duties, each member of the commission shall take and subscribe to the oath of office provided for state officers.

68-7-403.

(a) The official domicile of the commission is in Nashville. All meetings of the commission must be held in Nashville.

(b) The commission must be impaneled and hold its first meeting no later than July 15, 2020, at which time, and annually thereafter, the members shall elect a chair and other officers as the members deem necessary.

(c) The commission shall meet at least one (1) time in Nashville each month and hold other meetings for any period of time as may be necessary for the commission to transact and perform its official duties and functions. The commission may hold a special meeting at any time it deems necessary and advisable in the performance of its official duties. Five (5) members of the commission constitute a quorum for the transaction of any business or the performance of any duty, power, or function of the commission. A special meeting may be called by the chair or by a majority of the commission. The commission may participate by electronic or other means of communication for the benefit of the public and the commission in connection with any meeting authorized by law; provided, that a physical quorum is maintained at the location of the meeting.

68-7-404.

(a) The members of the commission shall receive compensation in the sum of twenty thousand dollars ($20,000) per year through June 30, 2021, after which members shall receive compensation in the sum of ten thousand dollars ($10,000) per year. Compensation is payable in monthly installments out of the state treasury.

(b) All members of the commission shall be reimbursed for their actual and necessary expenses incurred in connection with their official duties as members of the commission.

(c) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

68-7-405.

(a) The commission shall appoint a director to serve at the pleasure of the commission. The commission shall fix the director's salary with the approval of the appropriate state officials as now required by law. The office of the director is to be located in Nashville.

(b) The director must be at least thirty (30) years of age. The director is designated as director, clinical cannabis commission.

(c) The director is the chief administrative officer of the commission, and all personnel employed by the commission are under the director's direct supervision. The director is solely responsible to the commission for the administration and enforcement of this chapter and is responsible for the performance of all duties and functions delegated by the commission and for coordination of administrative needs with the department of agriculture.

(d) The director shall keep and be responsible for all records of the commission and also serve as secretary of the commission. The director shall prepare and keep the minutes of all meetings held by the commission, including a record of all business transacted and decisions rendered by the commission.

(e) The director shall act and serve as hearing officer when designated by the commission and perform such duties as hearing officer as now authorized under this chapter.

(f) The commission is authorized to appoint an assistant director who shall perform such duties and functions that may be assigned by the director or the commission. The assistant director, if licensed to practice law in this state, may also be designated by the commission to sit, act, and serve as a hearing officer, and when designated as a hearing officer, the assistant director is authorized to perform the same duties and functions as the regular hearing officer.

(g) The director and assistant director shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

68-7-406.

(a) The commission is attached to the department of agriculture for administrative matters relating to budgeting, audit, and other related items, and for additional administrative support, including the use of department attorneys, inspectors, agents, officers, and clerical assistance as may be necessary for the effective administration and enforcement of this chapter.

(b) All fees authorized by this chapter must be paid into the general fund and credited to a separate account for the commission. Funds in this account must be used solely for the implementation and enforcement of this chapter, including administrative costs of the commission and support for clinical cannabis research, subject to the approval of the commissioner of finance and administration with the approval of the governor. It is the intent of the general assembly that this account be the sole source of funds for the commission and that the amount appropriated to the commission not exceed the amount collected from fees under this chapter. Additional funds may be

appropriated to the commission to assist with expenses prior to the commission becoming self-sufficient.

68-7-407. The commission shall adopt and implement a conflict of interest policy for its members. The policy must mandate annual written disclosures of financial interests and other possible conflicts of interest and an acknowledgement by commission members that they have read and understand all aspects of the policy. The policy must also require persons who are to be appointed to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

68-7-408.

(a) The commission is empowered and authorized to promulgate rules, including emergency rules, as may be necessary to effectuate this chapter and to carry out the functions, duties, and powers of the commission as provided in this chapter. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The commission shall enforce and administer this chapter and the rules made by it.

(b) The commission has the following functions, duties, and powers and shall:

(1) Issue all licenses and registration cards, and revoke any license or registration card authorized by this chapter under the following conditions:

(A) Revocation of a license or registration card must be made by the commission only on account of the violation of, or refusal to comply with, this chapter or any rule of the commission, after not less than ten-days' notice to the holder of the license or registration card proposed to be revoked, informing the licensee or establishment agent of the time and place of the hearing to be held, and all further procedure with reference to the revocation of any license or registration card must be fixed and prescribed in the rules adopted and promulgated by the commission;

(B) A person does not have a property right in any license or registration card issued under this chapter; and

(C) The commission shall hold a hearing to determine whether a license or registration card is to be revoked, which hearing must be held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, whenever the appropriate local legislative body certifies that any licensee has habitually violated this chapter, or any regulation adopted by the county legislative bodies or legislative councils, relative to the conduct and operation of the business provided for in this chapter;

(2) Refuse to issue a license or registration card if, upon investigation, the commission finds that the applicant for a license or registration card has concealed or misrepresented, in writing or otherwise, any material fact or circumstance concerning the operation of the business or employment, or if the interest of the applicant in the operation of the business or employment is not truly stated in the application, or in case of any fraud or false swearing by the applicant touching any matter relating to the operation of the business or employment. If a license or registration card has been issued, then the commission shall issue a citation to the licensee or establishment agent to show cause why the license or registration card should not be suspended or revoked. All data, written statements, affidavits, evidence, or other documents submitted in support of an application are a part of the application;

(3) Issue registry identification cards and research licenses;

(4) Conduct investigations and audits for enforcing and preventing violations of this chapter;

(5) Summon any applicant for a license or registration card and also summon and examine witnesses, and administer oaths to applicants and witnesses in making any investigation;

(6) Prescribe reporting and educational programs the commission deems necessary or appropriate to ensure that the laws governing licensees and registration cards are observed;

(7) Prevent parts of the premises connected with or in any sense used in connection with the premises, where the possession, cultivation, production, transportation, delivery, receipt, sale, or purchase of clinical cannabis or clinical cannabis product may be lawful, from being used as a subterfuge, or means of evading this chapter or the rules of the commission;

(8) Issue a citation or refuse to issue or renew a license if, upon investigation, the commission finds that the applicant for a license has not demonstrated the financial capacity to operate the business in a manner consistent with the rules of the commission or is not generally paying its debts as they come due except for debts as to which there is a bona fide dispute;

(9) Require, on licensed premises, the destruction or removal of any containers or devices used or likely to be used in evading, violating, or preventing the enforcement of this chapter or the rules of the commission;

(10) Collect all fees paid or due and deposit collections with the state treasurer to be earmarked for and allocated to the commission, as described in § 68-7-406(b), for the purpose of the administration and enforcement of the duties, powers, and functions of the commission; and

(11) Be ultimately responsible for the collection, processing, and storage of research data developed from the longitudinal study form developed by the commission, as well as other research data if part of an agreement with an eligible entity issued a research license, and developing protocols for the

distribution of the data for analysis or publication while ensuring patient confidentiality. The commission is authorized to outsource collection, processing, and storage services.

68-7-409.

(a) In addition to its functions, duties, and powers under § 68-7-408, the commission shall, in consultation with the departments of health, agriculture, and safety:

(1) Accept and review petitions submitted by practitioners and potentially qualifying patients regarding medical conditions, medical treatments, or diseases to be added to the list of debilitating medical conditions that qualify for the clinical use of cannabis;

(2) Consider for approval any debilitating medical conditions, medical treatments, or diseases to be added to the list of debilitating medical conditions that qualify for the clinical use of cannabis;

(3) Promulgate a standardized form to be used by practitioners for written certifications. The form must be made available to qualifying patients on the commission's website and allow for the inclusion of the following information:

(A) Patient's diagnosis and corresponding medical code, if applicable;

(B) Severity of the patient's symptoms or condition on a scale of one (1) to ten (10); and

(C) Current and immediate past treatments for the patient's symptoms or condition;

(4) Promulgate a standardized label for dispensed clinical cannabis products that allows for dosage information, the qualifying patient's name and unique identification number, and a "use by" date;

(5) Identify the top ten (10) practitioners by the number of written certifications issued and share the list with the appropriate professional licensing boards under title 63, chapters 6 and 9;

(6) Consider complaints or reports regarding alleged abuses by practitioners relative to written certifications or diagnoses of debilitating medical conditions and notify the appropriate professional licensing board;

(7) Accept, review, and, if appropriate, approve requests for waivers for individualized exceptions to dosing restrictions;

(8) Consider physical appearance and signage standards for clinical cannabis centers. However, if standards are set by the commission, they must not be more burdensome than those applicable to pharmacies and medical offices;

(9) Establish a clinical cannabis research license program in which the commission considers, approves, and grants research authorization to study clinical cannabis or clinical cannabis products;

(10) Promulgate a standardized application form that is to be used for research licenses;

(11) Promulgate a standardized form that is to be used by qualifying patients at clinical cannabis centers as part of a longitudinal study of clinical cannabis and clinical cannabis products. The study must be compliant with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.), and the rules and regulations promulgated by federal authorities in connection with HIPAA. The longitudinal study form should include, but need not be limited to, symptom modification, side effects, and efficacy of clinical cannabis or clinical cannabis products;

(12) Develop and issue registry identification cards to cardholders that include security features to prevent diversion, fraud, and abuse, and allow for the

tracking of the dispensing of clinical cannabis products to or for a qualifying patient; and

(13) Approve clinical cannabis devices for the aerosolization, nebulization, or vaporization of clinical cannabis products, and identify on the commission's website the clinical cannabis devices approved by the commission or the federal food and drug administration (FDA).

(b) The commission, in consultation with the departments of agriculture, health, and safety, shall promulgate rules necessary to effectuate this chapter, including:

(1) Requirements for applications submitted pursuant to §§ 68-7-103, 68-7-108, and 68-7-120;

(2) Rules regarding:

(A) Clinical cannabis products, labeling standards, and doses;

(B) Approved forms or uses of clinical cannabis products;

(C) Fees;

(D) Security requirements for clinical cannabis establishments; and

(E) Procedures for the appeal of a license denied under § 68-7-105;

(3) Rules pertaining to the safe and healthful operation of clinical cannabis establishments, including:

(A) The manner of protecting against diversion and theft without imposing an undue burden on clinical cannabis establishments or compromising the confidentiality of cardholders;

(B) Minimum requirements for the oversight of clinical cannabis establishments;

(C) Minimum requirements for recordkeeping by clinical cannabis establishments;

(D) Provisions for the security of clinical cannabis establishments, including requirements for the protection of each clinical cannabis establishment by a fully operational security alarm system; and

(E) Procedures pursuant to which cultivation facilities and clinical cannabis centers must use the services of an independent testing facility to ensure that any clinical cannabis product sold by the clinical cannabis centers to end users are tested for content, quality, and potency in accordance with standards established by the commission;

(4) Establishing fees described in § 68-7-107 and circumstances and procedures pursuant to which those fees may be reduced over time, and ensuring that the fees do not exceed an amount that is more than the cost of administering this chapter, including any expenses related to research;

(5) Protecting the identity and personal identifying information of each person who receives, facilitates, or delivers services in accordance with this chapter while maintaining accountability of those persons;

(6) Establishing different categories of clinical cannabis establishment agent registration cards, including criteria for training and certification, for each of the different types of clinical cannabis establishments;

(7) Establishing:

(A) Authorized forms of cannabis that may be dispensed to and possessed by cardholders;

(B) Labeling standards and guidelines for clinical cannabis products, including that clinical cannabis products and container packaging are:

(i) Labeled clearly and unambiguously as clinical cannabis, with the weight, content, and concentration of THC,

cannabidiol, cannabinol, and any other significant active ingredients clearly indicated; and

(ii) Labeled clearly with dosage information, the qualifying patient's name and unique identification number, and the "use by" date upon dispensing; and

(C) Standards for identifying the allowable amount of clinical cannabis products, including THC, cannabidiol, cannabinol, and other significant active ingredient concentration and recommended doses;

(8) The transportation of cannabis and clinical cannabis products on public highways; and

(9) Addressing other matters necessary for the implementation of this chapter.

68-7-410. The commission is authorized and encouraged to apply for and utilize grants, contributions, appropriations, and other sources of revenue which must be deposited in the commission's general fund account to facilitate clinical cannabis study and research under the clinical cannabis research license program. The commission shall also assist researchers with obtaining any necessary waivers and approval from the federal drug enforcement agency and food and drug administration for clinical cannabis study and research under the clinical cannabis research license program.

68-7-411. The commission is authorized to investigate and examine the premises of any clinical cannabis establishment, including the books, papers, and records of any clinical cannabis establishment, for the purpose of determining compliance with this chapter. Any refusal to permit the examination of any books, papers, and records, or the investigation and examination of the premises, constitutes sufficient reason for the revocation of a license or the refusal to issue a license.

68-7-412. In any action or suit brought against the members of the commission in their official capacity in a court of competent jurisdiction to review any decision or order issued by the

commission, service of process issued against the commission may in their absence be lawfully served or accepted by the director on behalf of the commission as though the members of the commission were personally served with process.

68-7-413.

(a) In any case where the commission is given the power to suspend or revoke any license or registration card, it may impose a fine in lieu of or in addition to suspension or revocation. The commission shall promulgate by rule pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, a schedule setting forth a range of fines for each violation. The commission shall deposit collections of any fine with the state treasurer into the general fund of the state and credited to a separate account for the commission. For the purpose of imposing fines, each violation may be treated as a separate offense.

(b) Any document a person receives informing the person or entity of having a fine imposed upon the person or entity must cite each particular rule or statute the person or entity is being charged with violating.

(c) In any case where the commission is authorized to suspend or revoke a license or registration card, it may enter into an agreement by order with the licensee or registrant where the licensee or registrant voluntarily surrenders the license or registration card. The surrender is deemed a revocation of the license or registration card.

68-7-414. Any action brought against the commission must be brought in the circuit or chancery court of Davidson County.

68-7-415.

(a) The commission shall file a report with the attorney general and reporter whenever any person or entity licensed under this chapter:

(1) Fails to account for or pay over any license fees or taxes or levies pursuant to this chapter; or

(2) Has failed or refused to pay any obligations or liability or penalty imposed by this chapter.

(b) Upon receipt of the report under subsection (a), the attorney general and reporter shall institute the necessary action for the recovery of any such license fee, tax, levy, or any sum due the state of Tennessee under this chapter. The respective district attorney general is ordered and directed to assist the attorney general and reporter whenever required under this subsection (b).

68-7-416. Beginning in 2021, the director of the commission shall file an annual report with the chief clerks of the senate and the house of representatives and the legislative librarian for the benefit of the judiciary and the health and welfare committees of the senate and the judiciary and the health committees of the house of representatives no later than March 1 detailing with specificity each rule promulgated during the previous year together with the rationale for promulgating the rule. Before March 1 of each year, the director shall also appear before the committees for a review of the state's clinical cannabis program, including a summary of the research conducted by and through the commission.

68-7-501. This chapter does not require:

(1) A government medical assistance program or private insurer to reimburse a person for costs associated with the clinical use of cannabis;

(2) Any person or establishment in lawful possession of real property to allow a guest, client, customer, or other visitor to use clinical cannabis products on or in that property; or

(3) Any correctional facility to allow the possession or use of clinical cannabis on the facility's grounds.

68-7-502.

(a) An employer is authorized to establish policies permitting, restricting, or prohibiting the use of clinical cannabis products in the workplace.

(b) This chapter does not prohibit an employer from:

(1) Disciplining an employee for using a clinical cannabis product in the workplace or for working while under the influence of a clinical cannabis product; or

(2) Considering a job applicant's use of cannabis as a basis for refusing to hire the applicant for employment responsibilities described in § 50-9-106(a)(3)(A).

(c)

(1) Notwithstanding title 50, chapter 9, or any other law to the contrary, a public employer shall not take any adverse employment action against an employee who is a participating patient in the clinical cannabis program on the basis of a failed drug test attributable to a clinical cannabis product without a reasonable suspicion that the employee is under the influence in the workplace.

(2) Subdivision (c)(1) does not apply to a person employed in a safety-sensitive position, as defined in § 50-9-103.

68-7-503.

(a) A healthcare facility may adopt reasonable protocols on the use of cannabis by their residents or persons receiving inpatient services, including that:

(1) The facility is not required to store or maintain the patient's supply of clinical cannabis product;

(2) The facility, caregivers, or agencies serving the facility's residents are not responsible for providing the clinical cannabis product for qualifying patients; and

(3) Clinical cannabis products be used or administered only in a place specified by the facility.

(b) This section does not require a healthcare facility to adopt restrictions on the clinical use of cannabis.

(c) A healthcare facility shall not unreasonably limit a registered qualifying patient's access to or use of clinical cannabis products authorized under this chapter unless failing to do so would cause the facility to lose a monetary or licensing-related benefit under federal law.

68-7-504. Notwithstanding any law to the contrary, electronic payment and filing requirements for taxes levied under title 67 are waived and a clinical cannabis establishment may file a return in paper form and remit payments in cash or other form approved by the department of revenue. The commissioner of revenue is authorized to require that any paper filing be accompanied by a manual handling fee, not to exceed twenty-five dollars ($25.00), that is reasonably calculated by the department to account for the additional cost of preparing, printing, receiving, reviewing, and processing any paper filing.

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a), is amended by adding the following as a new subdivision:

( ) Clinical cannabis commission, created by § 68-7-401;

SECTION 3. Tennessee Code Annotated, Section 39-17-427, is amended by deleting the section and substituting instead the following:

It is an exception to this part if the person lawfully possessed, manufactured, or distributed the controlled substance as otherwise authorized by this part; title 53, chapter 11, parts 3 and 4; or the Tennessee Clinical Cannabis Authorization and Research Act, compiled in title 68, chapter 7. Participation in the state's clinical cannabis program in accordance with the Tennessee Clinical Cannabis Authorization and Research Act does not imply illegal use of controlled substances regulated by the program.

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

39-17-1326. Notwithstanding any law to the contrary:

(1) A state or local law enforcement agency shall not use, or permit the use of, the electronic verification system or registry described in the Tennessee Clinical

Cannabis Authorization and Research Act, compiled in title 68, chapter 7 to determine whether a person is authorized to purchase, transfer, possess, or carry a firearm under this part;

(2) A person who is an authorized participant in the clinical cannabis program described in the Tennessee Clinical Cannabis Authorization and Research Act, whether participating as a registered agent, patient, or caregiver, does not commit an offense under this part when purchasing, transferring, possessing, or carrying a firearm and the basis for the commission of the offense is the person's participation in the program; and

(3) The prohibition on the use of public funds, personnel, or property to be allocated to enforce federal laws governing firearms under § 38-3-115 applies to the clinical cannabis program under the Tennessee Clinical Cannabis Authorization and Research Act, and persons acting in accordance with the program.

SECTION 5. Tennessee Code Annotated, Section 67-6-320(a), is amended by deleting the following language:

There is exempt from the tax imposed by this chapter any drug, including over-the-counter drugs, for human use dispensed pursuant to a prescription. This exemption shall not apply to grooming and hygiene products.

and substituting instead the following:

There is exempt from the tax imposed by this chapter any drug, including over-the-counter drugs, for human use dispensed pursuant to a prescription. This exemption does not apply to grooming and hygiene products or clinical cannabis products dispensed pursuant to the Tennessee Clinical Cannabis Authorization and Research Act, compiled in title 68, chapter 7.

SECTION 6. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following new section:

Notwithstanding this title to the contrary:

(1) The retail sale of clinical cannabis products pursuant to the Tennessee Clinical Cannabis Authorization and Research Act, compiled in title 68, chapter 7, is taxed at a rate equal to the rate of tax levied on the sale of tangible personal property at retail by § 67-6-202; and

(2) All revenue from the tax collected from the retail sale of clinical cannabis products must be deposited in the state general fund and credited to a separate account for the commission.

SECTION 7. Except where prohibited by federal law and notwithstanding any other law to the contrary, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the department of financial institutions shall promulgate rules authorizing clinical cannabis establishments to use banking services, including the depositing of revenue, in Tennessee-chartered banks or other Tennessee-chartered financial institutions.

SECTION 8. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 9. For purposes of establishing the clinical cannabis commission, promulgating rules and forms, and conducting local option elections, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2862 House Bill No. 2668*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

56-7-3501.

As used in this part:

(1) "Ambulance" means any for-hire rotary-wing aircraft, fixed-wing aircraft, or motor vehicle used to transport a sick or injured person who may need medical care during transport;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Department" means the department of commerce and insurance;

(4) "Membership fee" means an amount collected by a prepaid ambulance service provider for prepaid ambulance services;

(5) "Person" means a natural person, partnership, corporation, association, trust, estate, or other legal entity;

(6) "Prepaid ambulance service" means the for-hire emergency care and transportation of an injured or sick person to or from a place where the person receives medical care in accordance with a prepaid ambulance service subscription;

(7) "Prepaid ambulance service provider" means a person that sells prepaid ambulance service memberships;

(8) "Prepaid ambulance service subscriber" means an individual who is the beneficiary of a prepaid ambulance service subscription; and

(9) "Prepaid ambulance service subscription" means an agreement between a prepaid ambulance service provider and a person that provides for a discounted or prepaid charge to a prepaid ambulance service subscriber for a service that is not otherwise covered by a third party.

56-7-3502.

A person offers an insurance product subject to the jurisdiction of the commissioner and the laws of this state if the person:

(1) Solicits a prepaid ambulance service subscription;

(2) Accepts an application for a prepaid ambulance service subscription;

(3) Charges a membership fee for prepaid ambulance service; or

(4) Furnishes prepaid ambulance service to a prepaid ambulance service subscriber.

56-7-3503.

(a) A person shall not solicit a prepaid ambulance service subscription, accept an application for a prepaid ambulance service subscription, furnish prepaid ambulance service to a prepaid ambulance service subscriber, or charge a membership fee for prepaid ambulance service without obtaining licensure through the department in accordance with this part.

(b) A person seeking licensure as a prepaid ambulance service provider shall:

(1) Demonstrate to the department that the person:

(A) Is authorized to conduct business in this state;

(B) Is financially responsible, as determined by the department;

(C) Has not had a prior prepaid ambulance service provider license denied for cause or revoked by the department within the past five (5) years; and

(2) Provide to the department the name, address, telephone number, email address, and, if applicable, website address of the person seeking licensure.

(c) Any material change in the information described in subsection (b) must be filed with the department within sixty (60) days of the change.

(d) A person seeking licensure as a prepaid air ambulance service provider shall pay a fee of one hundred dollars ($100) to the department to obtain the license. A person seeking renewal of a license as a prepaid air ambulance service provider shall pay a fee of fifty dollars ($50.00). The department shall use any fee collected under this part for purposes of administering this part.

(e) Failure to obtain licensure or renew a license in accordance with this part while acting as a prepaid air ambulance service provider constitutes a violation of this part and is punishable by a fine of at least one hundred dollars ($100), but not exceeding five hundred dollars ($500), per day.

SECTION 2. The department may promulgate rules to effectuate this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

HOUSE RESEARCH DIVISION

MH&SA Subcommittee
Amendment ePacket

Wednesday, March 4, 2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 1938 **House Bill No. 1980***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-11-311(c), is amended by deleting the subsection and substituting the following:

(1) Notwithstanding any other provision of this title, a physician licensed under title 63, chapter 6 or 9, may prescribe a buprenorphine product for any federal food and drug administration-approved use in recovery or medication-assisted treatment.

(2) A healthcare provider licensed under title 63, chapter 7 or 19, may prescribe a buprenorphine product, as approved by the federal food and drug administration for use in recovery or medication-assisted treatment if:

(A) The provider works in a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that is licensed by the department of mental health and substance abuse services and that does not have authority to dispense buprenorphine products;

(B) The provider practices under the direct supervision of a physician who is licensed under title 63, chapter 6 or chapter 9; holds an active Drug Addiction Treatment Act of 2000 (DATA 2000) waiver from the United States drug enforcement administration; and is actively treating patients with buprenorphine products for recovery or medication-assisted treatment at the same nonresidential office-based opiate treatment facility, as defined in § 33-2-402, as the provider;

(C) The facility and its healthcare providers are contracted and credentialed with TennCare and TennCare's managed care organizations to treat opioid use disorder with buprenorphine products for use in recovery or medication-assisted treatment;

(D) The facility or its healthcare providers are directly billing TennCare and TennCare's managed care organizations for the services provided within the facility;

(E) The facility or its healthcare providers are accepting new TennCare members or patients for treatment of opiate addiction;

(F) The provider does not write any prescription for a buprenorphine product that exceeds a sixteen-milligram daily equivalent;

(G) Except as provided in subdivision (c)(2)(H), the provider does not prescribe or dispense a mono product or buprenorphine without naloxone;

(H) The provider uses injectable or implantable buprenorphine formulations in accordance with subdivision (b)(1)(D);

(I) The provider has practiced as a family, adult, or psychiatric nurse practitioner or physician assistant in this state;

(J) The provider obtains a waiver registration from the United States drug enforcement administration that authorizes the provider to prescribe buprenorphine products under federal law and regulations;

(K) The provider prescribes buprenorphine products only to patients who are treated through a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that employs or contracts with the provider;

(L) The provider writes prescriptions of buprenorphine products that can only be dispensed by a licensed pharmacy to ensure entry into the controlled substance monitoring database; and

(M) The provider writes prescriptions of buprenorphine products to one hundred (100) or fewer patients at any given time.

SECTION 2. Tennessee Code Annotated, Title 53, Chapter 11, Part 3, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), a healthcare prescriber of a buprenorphine product for use in recovery or medication-assisted treatment, or a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, shall only accept a check, money order, or debit card or credit card that is linked to a bank or credit card account from a financial institution, in payment for services provided by the healthcare prescriber or facility. Use of prepaid debit cards, prepaid credit cards, gift cards, or any other card not linked with a bank or credit card account from a financial institution is prohibited. As used in this subsection (a), "financial institution" means a state or national bank, a savings and loan association, savings bank, industrial loan and thrift company, or mortgage lender.

(b) A healthcare prescriber or facility described in subsection (a) may accept payment for services provided to a patient by the prescriber or facility in cash for a co-pay, coinsurance, or deductible if the prescriber or facility submits the remainder of the bill for the services provided to the patient's insurance plan for reimbursement. If the patient does not have an insurance plan, then the healthcare prescriber or facility shall not accept cash as payment for services provided.

(c) No healthcare provider, licensed by title 63, chapters 6, 7, 9, or 19, shall be compensated or receive payment for services related to buprenorphine treatment:

(1) By which the provider receives an amount per patient that is treated within the office or other setting; or

(2) By any means by which the provider receives a percentage of a payment that is directly received by a patient to the office, nonresidential office-based opiate treatment facility, as defined in § 33-2-402, or other provider.

(d) A healthcare provider licensed under title 63, or a nonresidential office-based opiate treatment facility, as defined in § 33-2-402, shall not knowingly treat any beneficiary of TennCare with buprenorphine products for use in recovery or medication-assisted treatment unless that provider directly bills or seeks reimbursement from TennCare or TennCare's managed care organizations for services provided to the TennCare beneficiary. A person is required to disclose to the healthcare provider or nonresidential office-based opiate treatment facility, as defined in § 33-2-402, that the person is a TennCare beneficiary seeking treatment with buprenorphine products for use in recovery or medication-assisted treatment.

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

HOUSE RESEARCH DIVISION

Finance, Ways & Means Subcommittee Amendment Packet

March 4th, 2020

Spencer
2/24/2020
3:39 pm

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 2111 House Bill No. 2156*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-3-731, is amended by adding the following as a new subsection:

(1) At least once each year, the department shall brief the fiscal review committee at a time to be determined by the fiscal review committee, on any new clawback rights being executed by the department during the current year, as well as any clawback rights from previous years that are still being collected by the department during the current year.

(2) As used in this subsection, "clawback" means a provision in an agreement or a separate agreement that reserves the right of the department to recover the amount of money, grants, funds, or other incentives disbursed by the department, in whole or in part, if the person or entity benefitting from such money, grants, funds, or other incentives fails to fulfill the commitments made by such person or entity to the department.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

MP
2/13/2020
11:06am
Coley

FILED
Date 2/12/2020
Time 1:03
Clerk Ryan Bayler
Comm. Amdt. _____

Amendment No._____

Tim Coley
Signature of Sponsor

AMEND Senate Bill No. 992 **House Bill No. 722***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1704, is amended by deleting subsections (b)-(f) and substituting instead the following:

(b) A person's failure to pay the privilege tax under this part is not grounds for suspension or revocation of the person's license or registration.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to privilege taxes due and payable after May 31, 2021.

MP Keisling 8:56am

SUB

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FEB 28 2020
REP. SUSAN LYNN

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Kelly Keisling
Signature of Sponsor

AMEND Senate Bill No. 1633 **House Bill No. 1675***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-201-121, is amended by deleting subsection (d) and substituting instead the following:

(d) Notwithstanding subsection (b), TACIR is not required to prepare a report if the final federal emission guidelines approved by the EPA:

(1)

(A) Do not establish carbon dioxide emission control requirements for this state that are based on the decrease in carbon dioxide emission resulting from the operation of new nuclear-generating facilities currently under construction in this state; and

(B) Authorize this state to receive full credit for the decrease in carbon dioxide emissions resulting from nuclear-generating facilities under construction as of the effective date of Chapter 478 of the Public Acts of 2015, for purposes of demonstrating compliance with carbon dioxide emission control requirements under the final EPA emission guidelines; or

(2) Are based solely on measures that improve the efficiency of coal-fired electricity generating units.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following as a new section:

(a) The department shall develop a plan to implement the federal Affordable Clean Energy Rule (40 CFR Part 60, Subpart Ba) and submit the plan to the administrator of the EPA by November 1, 2020. The plan must not impose standards of performance or a compliance schedule that results in:

(1) The retirement of any existing coal-fired electricity generating unit; or

(2) An increase in price rates for electricity that exceeds one-half of one percent (0.5%).

(b) All owners of coal-fired electricity generating units that are subject to regulation under this part shall strive to expeditiously provide data and analyses to the department in order to enable the department to develop and submit an implementation plan as required under subsection (a).

SECTION 3. The department of environment and conservation must pay any costs associated with the implementation of this act from funds in the department's budgets for fiscal years 2019-2020 and 2020-2021.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

White
11:47 am
MP

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MAR 02 2020

REP. SUSAN LYNN

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 321* **House Bill No. 543**

by deleting the effective date section and substituting instead the following:

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.

Love
3/2/2020
2:21 Pm
CDS
SWB

RECEIVED
MAR 02 2020
REP. SUSAN LYNN

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

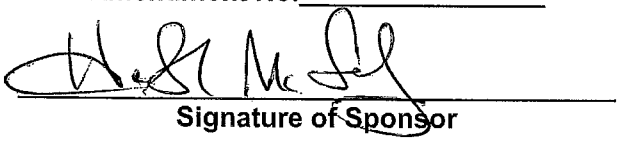
AMEND Senate Bill No. 35* **House Bill No. 135**

by deleting the effective date section and substituting instead the following:

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to all offenses committed on or after that date.

MP
Love
3:07
2/26/2020

Amendment No._____



Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1905* **House Bill No. 2032**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding the following as a new section:

Notwithstanding this chapter, the retail sale of diapers designed to be used by infants and children shall be taxed at the rate of four percent (4%) of the sales price.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

0595256544

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FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Mark White

Signature of Sponsor

AMEND Senate Bill No. 2090 **House Bill No. 2110***

by deleting the language "shall" in subdivision (f)(2) of the amendatory language of Section 1 and substituting instead the language "may".

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Pat Marsh

Signature of Sponsor

AMEND Senate Bill No. 2836 **House Bill No. 2365***

by deleting subdivisions (a)(4)-(5) in the amendatory language of Section 5 and substituting instead the language:

(4) Not transport hazardous materials regulated under the Hazardous Materials Transportation Act (49 U.S.C. § 5103) that are required to be placarded under 49 CFR Part 172, Subpart F.

AND FURTHER AMEND by adding the word "and" after the semi-colon at the end of subdivision (a)(3) in the amendatory language of Section 5.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Rick Tillis

Signature of Sponsor

AMEND Senate Bill No. 1775* **House Bill No. 2201**

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-403(a), is amended by deleting the subsection and substituting the following:

(a) Transport of mobile homes may only take place between sunrise and sunset, Monday through Saturday, except for the holidays enumerated in § 55-7-205(l)(2)(B).

SECTION 2. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding one hundred twenty feet (120') in length, including towing vehicle. Permits issued pursuant to this section must be issued on a single trip or annual permit basis.

(b)

(1) The single trip fee for this permit is twenty-five dollars ($25.00).

(2) The fee for an annual permit is two thousand dollars ($2,000).

SECTION 3. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section and substituting the following:

(a) A permit is required for the transport of any mobile home exceeding eight feet six inches (8' 6") in width. Transport of mobile homes exceeding eighteen feet (18') in width are not permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis for movements not exceeding sixteen feet (16') in width. Movements in excess of sixteen feet (16') in width may be permitted only on a single-trip basis and shall be escorted in accordance with § 55-4-110. Single-trip

permits are valid for six (6) days from the date of issuance. Annual permits are valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section is as follows:

(1) For single-trip, eight feet six inches (8' 6") wide to fourteen feet (14') wide – fifty dollars ($50.00);

(2) For single-trip, eight feet six inches (8' 6") wide to sixteen feet (16') wide – one hundred dollars ($100);

(3) For single-trip, in excess of sixteen feet (16') wide to eighteen feet (18') wide – two hundred dollars ($200);

(4) For annual permit, eight feet six inches (8' 6") wide to fourteen feet (14') wide – one thousand dollars ($1,000); and

(5) For annual permit, eight feet six inches (8' 6") wide to sixteen feet (16') wide – two thousand dollars ($2,000).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to permits issued and transports occurring on and after the effective date of this act.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 867 **House Bill No. 896***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-3-104, is amended by deleting subdivision (4) and substituting instead the following:

(4) The name, age, mailing address, relationship of the proposed conservator, statement of any felony or misdemeanor conviction of the proposed conservator, and, if the proposed conservator is not the petitioner, a statement signed by the proposed conservator acknowledging awareness of the petition and a willingness to serve. The petition must also include current copies of the following reports on the proposed conservator:

(A) A search of the department of health's registry of persons who have abused, neglected, or misappropriated the property of vulnerable persons, established by title 68, chapter 11, part 10;

(B) A search of the national sex offender registry maintained by the United States department of justice;

(C) A search of the United States office of inspector general's exclusions database; and

(D) A search of the interstate compact offender tracking system;

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 343* **House Bill No. 534**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-255, is amended by deleting the section and substituting instead the following:

(a) As used in this section and in § 36-1-142:

(1) "Department" means the department of children's services unless otherwise provided in this section;

(2) "Facility" means a hospital as defined in § 68-11-201, birthing center as defined in § 68-11-201, community health clinic, outpatient walk-in clinic, fire department that is staffed twenty-four (24) hours a day, law enforcement facility that is staffed twenty-four (24) hours a day, or emergency medical services facility;

(3) "Member of the professional medical community" means a licensed or permitted individual that is capable of rendering corrective action to human life-threatening illness or injury and is at the facility when the facility receives possession of an infant pursuant to subsection (b); and

(4) "Newborn safety incubator" means an enclosed, locked, and monitored receptacle that meets safety requirements as determined by rule by the department of health.

(b) A facility shall receive possession of an infant left on facility premises if the infant:

(1) Was born within the preceding two-week period, as determined within a reasonable degree of medical certainty;

(2) Is left in an unharmed condition; and

(3)

(A) Is voluntarily left with a facility employee or member of the professional medical community at the facility by an individual who purports to be the infant's mother and who does not express an intention to return for the infant; or

(B) Is voluntarily left by a mother in a newborn safety incubator provided by the facility.

(c) A facility employee or a member of the professional medical community at the facility shall inquire, whenever possible, about the medical history of the mother or infant and, whenever possible, shall seek the identity of the mother, infant, or the father of the infant. The facility shall also inform the mother that she is not required to respond but that the information will facilitate the adoption of the infant. Information obtained concerning the identity of the mother, infant, or other parent must be kept confidential and may only be disclosed to the department for use consistent with this section, § 36-1-142, and § 36-2-318. The facility may provide the parent with contact information regarding relevant social service agencies; shall provide the mother with the name, address, and phone number of the department contact person; and shall encourage the mother to involve the department in the relinquishment of the infant. If practicable, the facility shall also provide the mother with both orally delivered and written information concerning the requirements of this section, § 36-1-142, and § 36-2-318 relating to recovery of the infant and abandonment of the infant.

(d) A facility employee or member of the professional medical community at the facility shall perform any act necessary to protect the infant's physical health and safety.

(e) As soon as reasonably possible, and no later than twenty-four (24) hours after receiving the infant, the facility shall contact the department but shall not do so before the mother leaves the facility. Upon receipt of notification, the department shall immediately assume care, custody, and control of the infant.

(f) If an infant is received by a facility pursuant to subdivision (b)(3)(B), then a facility employee or member of the professional medical community at the facility does not have to inquire about, or provide, any information from or to the mother otherwise required by subsection (c).

(g) Notwithstanding any law to the contrary, a facility, facility employee, or member of the professional medical community is immune from any criminal or civil liability for damages as a result of any actions taken pursuant to this section and § 36-1-142, and a person shall not predicate any lawsuit on those actions. However, this section and § 36-1-142 do not abrogate any existing standard of care for medical treatment or preclude a cause of action based upon violation of the existing standard of care for medical treatment.

(h) A criminal prosecution must not be based upon an individual's act of voluntarily delivering an unharmed infant at a facility pursuant to this section if the individual acts in full compliance with this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

THE ATTACHED AMENDMENTS ARE TO BILLS THAT WILL BE HEARD IN THE CITIES & COUNTIES SUBCOMMITTEE TOMORROW AFTERNOON, MARCH 4TH, AT 3:30 PM.

Joint Pensions and Insurance 1

Amendment No. 1 to HB1806

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1727* **House Bill No. 1806**

by adding the following new section immediately before the effective date section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 9-3-506(a), is amended by deleting subdivisions (2) and (3) and substituting instead the following:

(2) For any pension plan that is funded below sixty percent (60%), the political subdivision shall not establish a benefit enhancement until it has received written approval by the state treasurer. For the purposes of this subdivision (a)(2), "benefit enhancement" means any change in member benefits, benefit structure, or benefit formula provided by a political subdivision relative to its pension plan that, according to the political subdivision's actuary, will or is estimated to permanently, temporarily, or intermittently increase either the employer or employee contributions or the liabilities of the pension plan; and

(3) For political subdivisions with an existing pension plan as of May 22, 2014, the political subdivision shall not establish a new pension plan that changes the funding policy, increases the employer cost, or adds to the unfunded accrued liability of an existing pension plan until it has received written approval from the state treasurer. For the purposes of this subdivision (a)(3), a political subdivision establishes a new pension plan by taking any or a combination of the following actions:

(A) Establishing a tier that has not been previously provided as part of a pension plan;

(B) Reopening a previously closed pension plan or previously closed tier of a pension plan; or

Amendment No. 1 to HB1806

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1727* **House Bill No. 1806**

(C) Establishing a plan that is different from the political subdivision's existing pension plan.

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FEB 25 2020
BY:

✓ C+C

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 48* **House Bill No. 1358**

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 12-3-1212, is amended by adding the following language at the end of the section:

> For purposes of this section, counties that have adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957, or that are similarly centralized for purchasing under a private act, are deemed to have a full-time purchasing agent.

RECEIVED
FEB 2 5 2020
BY:

Amendment No._____

Charlie Brown

Signature of Sponsor

FILED	
Date	
Time	
Clerk	
Comm. Amdt.	

AMEND Senate Bill No. 183* **House Bill No. 1305**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-19-101, is amended by adding the following as a new subsection:

( ) Any county that has elected to self-insure its liability under the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20, may elect, by resolution of its governing body, to self-insure its risk of loss instead of obtaining the bonds or insurance required under this section, under the same terms as bonds or insurance under this chapter. A county making an election under this section shall file a copy of the resolution in the office of the register of deeds.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Consumer Subcommittee

Amendment Packet

3/4/2020

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

S. Kumar MD

Signature of Sponsor

AMEND Senate Bill No. 2595* **House Bill No. 2846**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-5601.

As used in this part:

(1) "Authorized dealer" means an individual, corporation, or limited liability company authorized by a manufacturer or distributor to sell, barter, or exchange a particular make of new farm machinery;

(2) "Collateral charges" means any reasonable additional charge to a consumer not directly attributable to the aggregate purchase price of new farm machinery;

(3) "Comparable farm machinery" means an identical or reasonable replacement piece of farm machinery;

(4) "Consumer" means:

(A) A person who purchases or leases a piece of new farm machinery for purposes other than resale; or

(B) A person entitled to enforce the obligations of a warranty during the quality assurance period;

(5) "Distributor" means any person who sells or distributes new and unused farm machinery to authorized dealers;

(6) "Express warranty" has the same meaning as described in § 47-2-313;

(7) "Farm machinery" means self-propelled agricultural equipment or machinery purchased by a consumer for the first time from a manufacturer, distributor, or authorized dealer;

(8) "Full purchase price" means the cost paid by a consumer, including any collateral charge;

(9) "Manufacturer" means a person who manufactures, assembles, or imports new farm machinery;

(10) "Manufacturer's warranty" means a warranty given by the manufacturer of farm machinery against defects in the components and workmanship and a promise to cure defects;

(11) "Nonconformity" means any defect or condition affecting a piece of farm machinery that:

(A) Does not conform with the terms of an express warranty issued by a manufacturer to a consumer;

(B) Significantly impairs the use, value, or safe operation of the farm machinery; or

(C) Is not the result of abuse, neglect, or failure by a consumer to operate and maintain the farm machinery according to a manufacturer's operator manual or maintenance recommendations;

(12) "Person" means a natural person, partnership, corporation, association, trust, estate, or other legal entity;

(13) "Quality assurance period" means the earliest of the following:

(A) Twelve (12) months after the date of delivery of new farm machinery to a consumer;

(B) Twelve (12) months after the date of delivery of any comparable farm machinery to a consumer; or

(C) After the first six hundred (600) hours of operation of the farm machinery by a consumer;

(14) "Reasonable allowance for use" means an amount attributable to use by a consumer:

(A) Before the consumer's first report of a nonconformity to a manufacturer, distributor, or authorized dealer;

(B) During any period of use of the farm machinery subsequent to the first report of nonconformity if the farm machinery is not out of service by reason of repair of a reported nonconformity; or

(C) Of any comparable farm machinery provided by the manufacturer, distributor, or an authorized dealer to a consumer while the farm machinery purchased by the consumer is out of service for repair of a reported nonconformity, but not less than the fair lease value of the farm machinery;

(15) "Reasonable number of repair attempts" means:

(A) Three (3) attempts to repair the same nonconformity, the total cost of which equals at least thirty percent (30%) of the full purchase price of the farm machinery; or

(B) Five (5) attempts to repair any nonconformity, the total cost of which equals at least fifty percent (50%) of the full purchase price of the farm machinery; and

(16) "Seller":

(A) Means a person who sells, or contracts to sell, farm machinery at retail; and

(B) Includes an authorized dealer, distributor, or manufacturer.

47-18-5602.

(a) If a consumer purchases or leases farm machinery from a seller, then the seller, at the time of the transaction, shall:

(1) Provide the consumer with a written statement disclosing and explaining the consumer's rights and obligations under this part;

(2) Obtain the consumer's signature acknowledging receipt of the written statement described in subdivision (a)(1); and

(3) Provide the consumer with conspicuous notice of the address and phone number of the manufacturer, distributor, or authorized dealer of the farm machinery.

(b) A seller of farm machinery must maintain a copy of the consumer's signed acknowledgement described in subdivision (a)(2) for the duration of the quality assurance period.

(c) A violation of subsections (a) or (b) is punishable by a civil penalty not less than fifty dollars ($50.00) nor more than five hundred dollars ($500). A seller must pay any civil penalty in accordance with this part to the clerk of the court, who shall transfer it to the state treasurer, to be credited to the general fund.

47-18-5603.

(a) A manufacturer shall replace farm machinery with comparable farm machinery or accept return of the farm machinery from a consumer and refund to the consumer the full purchase price, if:

(1) The consumer provides written notice by certified mail to the manufacturer, distributor, or authorized dealer that a piece of farm machinery does not conform to an applicable express warranty or manufacturer's warranty during the quality assurance period;

(2) The nonconformity substantially impairs the use of the farm machinery; and

(3) The manufacturer, its agent, the distributor, or the authorized dealer cannot conform the farm machinery to an applicable express warranty or manufacturer's warranty after a reasonable number of repair attempts.

(b) If the manufacturer, distributor, or authorized dealer of farm machinery is unable to conform a piece of farm machinery to an applicable express warranty or

manufacturer's warranty after a reasonable number of repair attempts, then the consumer may choose:

(1) A refund of the full purchase price, less a reasonable allowance for consumer use and a reasonable offset for physical damage to the farm machinery caused by the consumer; or

(2) Replacement of the nonconforming farm machinery with comparable farm machinery.

(c) A replacement or refund under this section must include payment of any collateral charge.

(d) The consumer shall furnish clear title to, and possession of, the nonconforming farm machinery to the manufacturer, distributor, or authorized dealer at the time of a refund or replacement.

47-18-5604.

It is an affirmative defense to a claim under this part that:

(1) A defect or condition does not substantially impair the use, value, or safety of the farm machinery;

(2) A nonconformity is the result of an accident, abuse, neglect, or unauthorized modification of the farm machinery by a person other than the manufacturer, an agent of a manufacturer, the distributor, or an authorized dealer; or

(3) The consumer did not file a claim in good faith.

47-18-5605.

(a) A consumer may bring a civil action to enforce this part in a court of competent jurisdiction. A consumer must bring a legal action under this section within two (2) years after the date the consumer first reports a nonconformity to a manufacturer, an agent of a manufacturer, or an authorized dealer.

(b) This part does not limit the rights or remedies available to a consumer under any other applicable law.

(c) If a consumer prevails in a legal proceeding under this part, then the consumer may recover, as part of the judgment, a sum equal to the aggregate amount of costs and expenses, including attorney's fees, based on:

(1) Actual time expended by an attorney; and

(2) Charges reasonably incurred by the consumer in connection with the commencement and prosecution of an action under this section as determined by a court.

(d) Before filing a legal action to enforce this part in a court of competent jurisdiction, the consumer and the manufacturer, distributor, or authorized dealer shall, in good faith, attempt to resolve any issue or claim in dispute through the use of an impartial third-party mediator. If the seller did not provide the consumer with the statement required under § 47-18-5602(a), then the consumer is not required to utilize mediation before commencing legal action under this section.

SECTION 2. This act shall take effect July 1, 2020, and applies to sales of farm machinery made on or after that date, the public welfare requiring it.

THE ATTACHED AMENDMENTS WILL BE HEARD ON BILLS IN THE ELECTIONS AND CAMPAIGN FINANCE SUBCOMMITTEE TOMORROW MORNING, MARCH 4TH, AT 10:00 AM.

Elections + campaign Fin.

RECEIVED
FEB 26 2020
BY:

Amendment No.

Dave Wright
Signature of Sponsor

FILED
Date
Time
Clerk
Comm. Amdt.

AMEND Senate Bill No. 2393 House Bill No. 2566*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-2-107(a), is amended by adding the following as a new subdivision:

(4) Notwithstanding any law to the contrary, if a municipal charter provides for property rights voting, the members of a limited liability company that owns property in the municipality are entitled to vote; provided, that only two (2) members are entitled to vote based upon the ownership of an individual tract of property regardless of the number of members of the limited liability company.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

House Elections & Campaign Finance Subcommittee Am. #1

Amendment No._____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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_____
Signature of Sponsor

AMEND Senate Bill No. 2815 House Bill No. 2511*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Tuesday Act."

SECTION 2. Tennessee Code Annotated, Section 2-13-205, is amended by deleting the language:

> On the first Tuesday in March before presidential electors are elected, a presidential preference primary shall be held for each statewide political party.

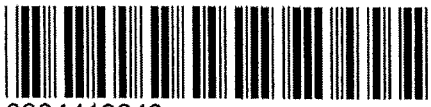
and substituting instead the language:

> On the first Tuesday following January 1 before presidential electors are elected, a presidential preference primary shall be held for each statewide political party.

SECTION 3. Tennessee Code Annotated, Section 2-5-101, is amended by deleting the word "March" wherever it appears and substituting instead the word "January" and by deleting the word "December" wherever it appears and substituting instead the word "October".

SECTION 4. Tennessee Code Annotated, Section 2-5-205, is amended by deleting the word "December" wherever it appears and substituting instead the word "October".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.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✓ Elections + campaign Fin.

Amendment No._____

Charles Brown
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2375 **House Bill No. 2467***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-601(a), is amended by deleting the language "any licensed nursing home, home for the aged or similar licensed institution providing relatively permanent domiciliary care, other than a penal institution" each time it appears and substituting instead the language "a nursing home" and by deleting the language "the licensed nursing homes" and substituting instead the language "the nursing homes".

SECTION 2. Tennessee Code Annotated, Section 2-6-601(b), is amended by deleting the language "licensed nursing home, assisted care living facility, home for the aged, or similar licensed institution providing relatively permanent domiciliary care" and substituting instead the language "nursing home".

SECTION 3. Tennessee Code Annotated, Section 2-6-601, is amended by adding the following as a new subsection:

(c) As used in this part, "nursing home" means a licensed nursing home, assisted care living facility, or home for the aged, other than a penal institution, and includes any independent living facility on the same property as a licensed nursing home, assisted care living facility, or home for the aged.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Elections HB1413 Rudd

Amendment No. 6517

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1014* **House Bill No. 1413**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 9, is amended by adding the following as a new section:

(a) As used in this section, a voter-verifiable paper audit trail:

(1) Means:

(A) A paper ballot marked by hand or marked by device that is made available for inspection and verification by the voter at the polling location; or

(B) A record contemporaneously printed at the time a voter casts a ballot using a direct recording electronic system that is made available for inspection and verification by the voter at the polling location; and

(2) Must not include the identity of the voter.

(b)

(1) After the effective date of this act, any county election commission purchasing or entering into a contract to obtain voting systems shall ensure that the system produces a voter-verifiable paper audit trail.

(2) A commission may enter into a contract to obtain voting systems that do not produce a voter-verifiable paper audit trail only if the contractor is contemporaneously seeking approval of compliant technology from the United States election assistance commission or the secretary of state and the contract provides for transition to technology that produces a voter-verifiable paper audit

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trail during the initial term of the contract at no additional cost to the county election commission.

(c) Voter-verifiable paper audit trails must be preserved as paper ballots pursuant to § 2-8-108 and must be used as the official ballot for purposes of any recount or audit.

(d) At the request of a county election commission, the state coordinator of elections shall provide to the commission necessary assistance and guidance in the selection or upgrade of voting systems, pursuant to the requirements of this section. To the extent federal funding through the Help America Vote Act (HAVA), compiled in 52 U.S.C. § 20901 et seq., can be used for the cost of purchasing, leasing, or upgrading any voting systems, and is not otherwise appropriated in connection with another contract, the coordinator shall allocate any available financial assistance for purchasing or leasing such systems.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 958* **House Bill No. 1184**

by deleting SECTION 2 and SECTION 3 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 41-21-402, is amended by adding the following new subsection:

(c) Solitary confinement is prohibited for pregnant inmates and inmates who have given birth within the past eight (8) weeks regardless of whether the purpose of confinement is for punishment or safekeeping, unless the inmate has demonstrated potential for self-harm, harm to the unborn child, or harm to other inmates or correction staff. A period of solitary confinement must be limited the shortest time possible given the safety situation. The reasons for the use of solitary confinement must be documented in the inmate's institutional or medical record as appropriate.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Date	3-2-2020
Time	3:14
Clerk	DKS
Comm. Amdt.	

Amendment No._____

Jesse Chism

Signature of Sponsor

AMEND Senate Bill No. 655* **House Bill No. 1185**

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "solitary confinement":

(1) Means the placement of an incarcerated person in a locked sleep room or cell alone with minimal or no contact with persons other than guards, juvenile facility staff, and attorneys;

(2) Includes the intentional segregation or seclusion of an incarcerated person from the rest of the resident population for the purpose of preventing harm by the incarcerated person to self or others, preventing harm by others to the incarcerated person, or aiding in de-escalation of violent behavior, and the time-limited placement of an incarcerated person alone in a room or area from which egress is prevented; and

(3) Does not include confinement of an incarcerated person in a single-person room or cell for brief periods of locked-room confinement necessary for required institutional operations, including, but not limited to, shift changes, showering, unit movements, and protection against communicable diseases with the written approval of a licensed physician for the shortest amount of time required to reduce the risk of infection in cases in which person is not required to be in an infirmary for an illness.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Except as provided in subsection (d), a juvenile detention facility shall not place any minor offender in solitary confinement.

(d) The placement of a minor offender in solitary confinement must be in accordance with the following guidelines:

(1) Solitary confinement must not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any other minor, inmate, or staff;

(2) Solitary confinement must not be used for the purposes of coercion, convenience, or retaliation by staff; and

(3) A juvenile detention facility may place a minor offender who presents a serious security risk or an imminent threat to the safety of another in solitary confinement, without a hearing, for a period not to exceed twenty-two (22) hours; provided, that if an administrative hearing is conducted after the initial period of solitary confinement, and the minor offender is still found to present a serious security risk or imminent threat to the safety of another, the juvenile detention facility may order the minor offender to be placed in solitary confinement for no more than one (1) additional day for a maximum of twenty-two (22) hours. Department-approved de-escalation strategies must be utilized, and the department must be notified of all actions taken by the facility when a minor offender is placed in solitary confinement.

(e) A juvenile detention facility must provide a weekly report to the appropriate juvenile court judge of each minor offender placed in solitary confinement during the time period of the report. The report must include the circumstances resulting in the minor offender being placed in solitary confinement, the less restrictive alternative efforts used prior to solitary confinement, the total number of hours and days the minor offender was placed in solitary confinement, and the number and content of meals provided to the minor offender while in solitary confinement.

(f) The department shall confirm each facility has provided appropriate training to employees who provide direct care to juveniles on the guidelines for use of solitary confinement in the treatment of juveniles.

AND FURTHER AMEND by deleting Section 3 and substituting instead the following:

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Date	3-2-2020
Time	9:53
Clerk	DKS
Comm. Amdt.	

Amendment No._____

Dr. Ph Ramsey

Signature of Sponsor

AMEND Senate Bill No. 2108 House Bill No. 2136*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 9, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any other law to the contrary, a county may appropriate funds, which may be funds borrowed by the county under applicable law, for the purpose of making a loan, with reasonable interest assessed, or make a contribution to a transition center. A county may also agree, for a determinate period of time, pursuant to an interlocal agreement entered into under § 12-9-104 that relates to the joint development or operation of a transition center, to contribute to a transition center that is identified in the interlocal agreement as the entity responsible for the development or operation of the transition center an amount equal to the property taxes that the county receives with respect to the property, including personal property, located within the transition center.

(b) Any amounts contributed to the transition center pursuant to subsection (a) are revenues of the transition center that may be used for any lawful purpose of the transition center.

(c) As used in this section, "transition center" means a local correctional facility that assists inmates' crossover from prison life to productive citizenship through the use of phases and a series of programs and services designed to equip and empower inmates to make life changes in order to reduce recidivism. The local correctional facility must be operated in accordance with § 41-4-140.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Date _____
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Comm. Amdt. _____
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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2108 House Bill No. 2136*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 9, Part 1, is amended by adding the following as a new section:

(a) A county may agree, for a determinate period of time, pursuant to an interlocal agreement entered into under § 12-9-104 that relates to the joint development or operation of a transition center.

(b) Any amounts contributed to the transition center pursuant to subsection (a) are revenues of the transition center that may be used for any lawful purpose of the transition center.

(c) As used in this section, "transition center" means a local correctional facility that assists inmates' crossover from jail or prison life to productive citizenship through the use of phases and a series of programs and services designed to equip and empower inmates to make life changes in order to reduce recidivism. The local correctional facility must be operated in accordance with § 41-4-140.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2235* **House Bill No. 2682**

by deleting Section 5 and renumbering the subsequent section accordingly.

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Date _____
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Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1859 **House Bill No. 1715***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 3, is amended by adding the following as new sections:

39-17-319.

(a) A person commits sexual abuse of a corpse who intentionally engages in sexual contact, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Sexual abuse of a corpse is a Class D felony.

39-17-320.

(a) A person commits aggravated sexual abuse of a corpse who intentionally engages in unlawful sexual penetration, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Aggravated sexual abuse of a corpse is a Class C felony.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to acts committed on or after that date.

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Time _____
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1859 **House Bill No. 1715***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as "April's Law."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 3, is amended by adding the following as new sections:

39-17-319.

(a) A person commits sexual abuse of a corpse who intentionally engages in sexual contact, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Sexual abuse of a corpse is a Class D felony.

39-17-320.

(a) A person commits aggravated sexual abuse of a corpse who intentionally engages in unlawful sexual penetration, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Aggravated sexual abuse of a corpse is a Class C felony.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to acts committed on or after that date.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1605 **House Bill No. 1558***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subdivision (a)(3) and substituting instead the following:

(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;

(B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;

(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2); and

(D) This subdivision (a)(3) does not affect:

(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

SECTION 2. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subsection (d) and substituting instead the following:

(d) A violation of subsection (a) is a Class A misdemeanor with a mandatory minimum fine of one thousand dollars ($1,000), and in addition to the penalties authorized by § 40-35-111, the offender shall be sentenced to one hundred (100) hours of community service work. In addition to the penalties established in this subsection (d), the court having jurisdiction over the offender may, in its discretion, prepare and send an order for denial of the offender's driving privileges to the department of safety, driver control division. The offender may apply to the court for a restricted driver license, which may be issued in accordance with § 55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, increase the offender's sentence to a maximum of two hundred (200) hours of community service work.

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(1)(B), is amended by deleting subdivision (xix) and substituting instead the following:

(xix) Section 39-15-404 — Allowing a minor to consume alcohol on person's premises;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1859 **House Bill No. 1715***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 3, is amended by adding the following as new sections:

39-17-319.

(a) A person commits sexual abuse of a corpse who intentionally engages in sexual contact, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Sexual abuse of a corpse is a Class D felony.

39-17-320.

(a) A person commits aggravated sexual abuse of a corpse who intentionally engages in unlawful sexual penetration, as defined in § 39-13-501, with an individual the person knows or should know is a corpse.

(b) Aggravated sexual abuse of a corpse is a Class C felony.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to acts committed on or after that date.

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2795 **House Bill No. 2412***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by adding the following language at the end of the subsection:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home and community based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home and

community-based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports submitted under this section are confidential and are not open for inspection by the public.

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

SECTION 5. Tennessee Code Annotated, Section 34-1-114, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), the petitioner is responsible for the court costs necessary for initiating proceedings, including filing fees and costs associated with required notices and publication. At any point in the proceedings, in the court's discretion, such costs may be charged according to subsection (a) and the petitioner may be reimbursed.

SECTION 6. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

THE ATTACHED

AMENDMENTS WILL BE

HEARD ON BILLS IN

LOCAL GOVERNMENT

COMMITTEE

TOMORROW

AFTERNOON, MARCH 4TH,

AT 2:00 PM.

House Property & Planning Subcommittee Am. #1

Amendment No._____

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Date _____
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Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 2663 House Bill No. 2776*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 6-54-118, is amended by adding the following sentence at the end of subdivision (a)(1):

> In counties recognized by the department of economic and community development as tier 4 counties at the time of capital investment, economic development for purposes of this section includes providing incentives in a manner approved by the governing body of the municipality to promote the development of single-family housing.

SECTION 2. Tennessee Code Annotated, Section 7-53-101(15), is amended by adding the following as a new subdivision:

> (J) In counties recognized by the department of economic and community development as tier 4 counties, incentives pursuant to a program approved by the governing body of the municipality to promote the development of single-family housing.

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

House Property & Planning Subcommittee Am. #1

Amendment No._____

FILED
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Time _____
Clerk _____
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Signature of Sponsor

AMEND Senate Bill No. 2516 House Bill No. 1627*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-2509(c), is amended by adding the following language as a new subdivision (7):

(7)

(A) In lieu of the sale to private purchasers as provided in §§ 67-5-2507 and 67-5-2508, the proper officers of the state, the county, and the municipality, or any or all of the officers who have an interest in the property, may convey the property to a land bank created under the Tennessee Local Land Bank Program, compiled in title 13, chapter 30. A land bank acquiring property pursuant to this subdivision (c)(7) may convey the property to a veteran meeting the conditions specified in this subdivision (c)(7), under any terms deemed appropriate to the board of directors of the land bank.

(B) In order to receive property under this subdivision (c)(7), a veteran must:

(i) Have been a resident of the county where the land is located for a minimum period of one (1) year;

(ii) Provide documentation to the officers verifying the veteran's income does not exceed one hundred fifty thousand dollars ($150,000) per year; and

(iii) Agree in writing to bring the property into compliance with all applicable local building codes and ordinances within twelve (12) months

of acquiring the property and to abide by all other terms and conditions as specified in this subdivision (c)(7) and in a written agreement to convey property.

(C) A veteran may request conveyance of up to two (2) properties within a five-year period upon demonstration of the veteran's ability to comply with the terms and conditions established by the officers.

(D) If a veteran receives two (2) properties within a five-year period, then one (1) property must be occupied by the veteran for a minimum of five (5) years.

(E) Except for property that must be occupied by the veteran for a minimum period of five (5) years under subdivision (c)(7)(D), a veteran may:

(i) Use the property as a primary residence;

(ii) Maintain the property as rental property for the veteran's benefit;

(iii) Resell the property after the property has been brought into compliance with local building codes and ordinances; or

(iv) Donate the property to another veteran or a federally chartered veterans organization certified as a tax exempt entity under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)).

(F) If the veteran acquiring property under this subdivision (c)(7) fails to comply with this subdivision (c)(7) or the agreement entered pursuant to subdivision (c)(7)(B)(iii), the interest in the property shall revert to the land bank that conveyed the property to the veteran. Any improvements made by the veteran to the property shall be forfeited. The land bank may be awarded court costs and attorney's fees in any action required to reacquire the property.

(G) As used in this subsection (c), "veteran" means a Tennessee resident who is a former member of the United States armed forces or a former member of a reserve or Tennessee national guard unit who was called into active

military service of the United States, as defined in § 58-1-102, and who served honorably, as defined in § 49-7-102.

SECTION 2. This act shall be known as the "Veterans Stability Act of Tennessee."

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

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BY:

Amendment No. _____

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Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2390 House Bill No. 2488*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-105(c)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Each candidate, single candidate political campaign committee, single measure political campaign, and multicandidate political campaign committee shall file the statements required by subsections (a) and (b) quarterly, within ten (10) days following the conclusion of the periods ending March 31, June 30, September 30, and January 15.

SECTION 2. Tennessee Code Annotated, Section 2-10-105, is amended by deleting subdivisions (c)(2) and (c)(3).

SECTION 3. Tennessee Code Annotated, Section 2-10-105, is amended by deleting subsections (g) and (h).

SECTION 4. Tennessee Code Annotated, Section 2-10-105, is amended by deleting the language "report" and "reports" wherever the language appears in subsection (d) and substituting instead the language "statement" and "statements", respectively.

SECTION 5. Tennessee Code Annotated, Section 2-10-105(j), is amended by deleting the subsection and substituting instead the following:

(j) Statements filed under this section must not be cumulative. Each statement must reflect the total for the statement's reporting period.

SECTION 6. Tennessee Code Annotated, Section 2-10-107(a)(1), is amended by deleting the first sentence and substituting instead the following:

A statement that no contributions were received nor expenditures made during the period for which the statement is submitted.

SECTION 7. Tennessee Code Annotated, Section 2-10-107(a)(2)(A), is amended by deleting subdivision (i) and substituting instead the following:

(i) A statement setting forth, under contributions, a list of all the contributions received, including the full name, complete address, occupation, and employer of each person who contributed during the period for which the statement is submitted, and the amount contributed by that person;

SECTION 8. Tennessee Code Annotated, Section 2-10-107(a)(2)(A)(ii), is amended by deleting the language "persons contributing more than one hundred dollars ($100)" and substituting instead the language "contributors".

SECTION 9. Tennessee Code Annotated, Section 2-10-107(a)(2)(A)(iii), is amended by deleting the language ". The statement shall list as a single item the total amount of contributions of one hundred dollars ($100) or less" and substituting instead the language ";".

SECTION 10. Tennessee Code Annotated, Section 2-10-107(a)(2)(B), is amended by deleting the language "a total amount of more than one hundred dollars ($100)" and substituting instead the language "an expenditure"; and is further amended by deleting the last sentence of the subdivision and substituting instead the following:

The statement must list the expenditures by category and amount.

SECTION 11. Tennessee Code Annotated, Section 2-10-107(c)(1), is amended by deleting subdivisions (A) and (B)(i) and substituting instead the following:

(A) In-kind contributions of any amount; and

(B)

(i) For each such in-kind contribution, the category of the contribution, and the name, address, occupation, and employer of each person who contributed it.

SECTION 12. Tennessee Code Annotated, Section 2-10-107(c)(B)(ii), is amended by deleting the language "persons contributing more than one hundred dollars ($100)" and substituting instead "contributors".

SECTION 13. Tennessee Code Annotated, Section 2-10-212, is amended by deleting subsection (i).

SECTION 14. This act shall take effect January 1, 2021, the public welfare requiring it.

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Date	3-2-2020
Time	1:05
Clerk	DKS
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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2756 **House Bill No. 2132***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following as a new subsection:

(h)

(1)

(A) It is the intent of this subsection (h) to facilitate prompt and timely access to citizens to public records related to public meetings and to other basic government information.

(B) This subsection (h) does not apply to a governmental entity during an emergency, as that term is defined in § 58-2-101, to the extent that the emergency directly impacts the governmental entity. After an emergency ceases to exist, the impacted governmental entity shall resume compliance with this subsection (h) as soon as reasonably practicable.

(C) The public access requirements of this subsection (h) are in addition to public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law. Compliance by a governmental entity with this subsection (h) must not be construed to satisfy public notice requirements under § 8-44-103 and any other applicable public notice requirements under state law.

(2)

(A) No later than January 1, 2021, and except as otherwise provided in subdivision (h)(2)(B)(i), a governing body shall make available to the public:

(i) The agendas of upcoming meetings in a place accessible to the public for a period of at least three (3) days prior to a meeting; and

(ii) Any supplemental meeting documents, which may be referred to as board packets, for upcoming meetings in a place accessible to the public for a period of three (3) days prior to a meeting if the supplemental meeting documents have been provided to members of the governing body. If supplemental meeting documents have not been provided to members of the governing body at least three (3) days prior to the meeting, the supplemental meeting documents must be made publicly accessible as soon as possible after they are provided to governing body members, but prior to the meeting. Notwithstanding any law to the contrary, this subsection (h) does not require a governing body to make available to the public any supplemental documents that are deemed confidential under state or federal law.

(B)

(i) For governing bodies of governmental entities that maintain a website, agenda and supplemental meeting documents must be posted on its website. A governing body that posts its agenda and supplemental meeting documents on its website in accordance with this subdivision (h)(2)(B)(i) satisfies the requirements to make the agenda and supplemental meeting documents accessible to the public under subdivision (h)(2)(A).

(ii) Agendas must reasonably describe matters scheduled to be discussed or under contemplation for a vote; provided, however, that this subsection (h) does not limit or restrict a governing body's ability to consider or vote on items of new business not listed on the agenda, pursuant to the governing body's bylaws or properly adopted rules or procedures and in compliance with other state law.

(C) As used in this subdivision (h)(2), "three (3) days" means at least regular business hours for three (3) consecutive days, including holidays, weekends, and the day of the meeting if the meeting is held after regular business hours. The three-day requirement in this subdivision (h)(2) does not apply to special-called meetings; provided, that the number of days that the agenda and supplemental meeting documents are made accessible to the public in the manner required in this subsection (h) is the same amount of time required for adequate public notice in state law for special meetings.

(3)

(A) No later than January 1, 2021, a governmental entity shall maintain and disclose the following basic government information on its website if the governmental entity maintains a website, or if the governmental entity does not maintain a website, the governmental entity shall maintain and disclose the information in a place that is accessible to the public during regular business hours:

(i) A list and the contact information of elected officials and the members of each governing body; provided, that the contact information for each member of a governing body whose position is an appointed position may be provided through a centralized board secretary or similar office on behalf of the governing body;

(ii) Minutes of at least the twelve (12) most recent meetings of each governing body;

(iii) The comprehensive annual financial report, and other annual financial reports and audits of the governmental entity that are required to be produced by law, from the most recent five (5) years, including additional summaries or information provided by a governmental entity that provides explanation and context to the financial reports;

(iv) The charter or other organizing or governing documents of the governmental entity and governing body, as applicable;

(v) Policies, rules, ordinances, and resolutions governing the public meetings, public hearings, and public records of each governing body; and

(vi) The contact information of a person or persons for more information about public meetings, public hearings, and public records of a governmental entity, including the name and telephone number of each such person.

(B) New and updated information and documents identified in subdivisions (h)(3)(A)(i)-(vi) must be disclosed within a reasonable time period from becoming available and must be posted in the same manner as prescribed in subdivision (h)(3)(A) along with existing and prior information already posted.

(4)

(A) A governmental entity shall make reasonable, periodic efforts each year to notify the public of the locations, including a website, if applicable, at which a member of the public can freely access information

and documents made available to the public in accordance with subdivisions (h)(2) and (3).

(B) A person seeking access to or copies of information or documents described in subdivisions (h)(2) or (h)(3) who is denied access or copies of the information or documents, as applicable, may bring an action in accordance with § 10-7-505 to enforce this section and is entitled to all remedies, including injunctive relief, to which the person may be entitled under § 10-7-505.

(5) As used in this subsection (h):

(A) "Governing body" has the same meaning as defined in § 8-44-102;

(B) "Governmental entity" means an entity under the control and authority of a governing body; and

(C) "Website", for the purposes of this subsection (h), means a website operated by and under the control of the governmental entity and does not include websites maintained on behalf of the governmental entity by an outside entity such as a chamber of commerce or tourism promotion entity. However, nothing in this subsection (h) prevents a governmental entity from entering into an agreement with an outside entity to provide the basic government information described in this subsection (h) on a website in accordance with this subsection (h).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED	
Date	2-28-2020
Time	12:10
Clerk	DRS
Comm. Amdt.	

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2168 **House Bill No. 2237***

by inserting the following new section immediately preceding the last section and redesignating the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 12-4-118, is amended by deleting the section and substituting instead the following:

(a) Notwithstanding any law to the contrary, state procurement agencies may enter into an energy performance or guaranteed energy savings contract using alternative procurement or contracting vehicles, including, but not limited to, existing in-state and out-of-state government contracts that have been competitively procured, that incorporate energy or utility savings into the scope of work to be performed under the contract, and that expressly authorize other contracting entities to execute contracts or price agreements under the terms and conditions of the master contract on behalf of a department, institution, agency, or campus having control of, or responsibility for, the management or operation of buildings and facilities; provided, that the contract award meets the requirements of § 12-4-110 relative to energy-related service contracts for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of the state. Such contracts are subject to approval by the state building commission.

(b) Projects implemented under an energy performance or guaranteed energy savings contract under subsection (a) may include, but are not limited to, the following energy or utility conservation measures:

(1) Building envelope weatherization;

(2) Building automation controls;

(3) Lighting retrofits and controls;

(4) Water conservation, HVAC, chiller plant, boiler plant, or other mechanical modifications;

(5) Submetering to measure performance of controls or systems; and

(6) Other energy or utility conservation measures that would result in cost savings.

(c) For the duration of each individual contract, an annual measurement and verification audit utilizing generally accepted auditing standards, such as the International Performance Measurement and Verification Protocol, must be conducted, and the related audit report must include, but not be limited to, energy or utility savings achieved, energy or utility savings targets met or exceeded, energy or utility savings targets missed, and guarantees paid by the energy service company executing the contract. The annual measurement and verification audit must be conducted by, and the related audit report must be prepared by, a third party at the expense of the energy service company executing the contract. Each audit report must be submitted annually by the state department, institution, or agency that has entered one (1) or more energy performance or guaranteed energy savings contracts to the department of environment and conservation's office of energy programs within thirty (30) days following the close of the fiscal year. The department of environment and conservation's office of energy programs shall submit the data to the governor, the commissioner of environment and conservation, state procurement agencies, the state building commission, the comptroller of the treasury, the speaker of the senate, and the speaker of the house of representatives no later than August 31 for each year in which each energy performance or guaranteed energy savings contract is executed and in effect.

(d) Notwithstanding any law to the contrary, any energy service company executing an energy performance contract or a guaranteed energy savings contract shall provide a written guarantee that the operational, energy, or utility savings produced by such contract during each year of the contract will be sufficient to pay for the financing

repayment costs for that year. The energy service company shall post a performance bond, letter of credit, or other similar surety with the procurement agency in the total amount of guaranteed savings over the contract term. The costs associated with the energy performance or guaranteed energy savings contract may be financed by a third-party installment payment agreement, tax exempt lease purchase agreement, or other appropriate financing agreement arranged by the energy service company for a term of up to the lesser of twenty (20) years or the expected useful life of any items that are the subject of the agreement. The financing agreement must provide that the state procurement agency may terminate the agreement if sufficient funds are not appropriated to the state procurement agency in any fiscal year during the term of the contract to make the payments under the contract.

Amendment No. _____

Signature of Sponsor

FILED	
Date	2/25/2020
Time	4:31
Clerk	DKS
Comm. Amdt.	

AMEND Senate Bill No. 2898 **House Bill No. 2669***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-35-248, is amended by deleting the section and substituting instead the following:

(a) Except as otherwise expressly provided by law, should any department, agency, or instrumentality of a participating political subdivision become a separate local governmental entity from the political subdivision, the employees of such entity shall not be entitled to future membership in the retirement system on account of continued service with the entity unless the chief governing body of the entity elects to become a participating employer pursuant to § 8-35-201.

(b) Upon such election, the chief governing body of the political subdivision may request the retirement system to have an actuarial study conducted to determine the share of the assets of the retirement system attributable to contributions of the political subdivision that would be needed for the entity to maintain a comparable employer contribution rate or funding level as the political subdivision as of the date of separation. Upon receipt of the actuarial study, the chief governing body of the political subdivision has the authority to pass and file with the retirement system a resolution requesting that such amount be transferred from the credit of the political subdivision to the entity.

(c)

(1) The chief governing body of the political subdivision may also request the retirement system to have an actuarial study conducted, at the political subdivision's expense, to determine the share of the assets of the retirement system and associated liabilities attributable to the new political subdivision for

the time period before or after a department, agency, or instrumentality of the political subdivision became a separate governmental entity participating in the retirement system.

(2) The actuarial study must calculate the political subdivision's pension liability for this period of time based on the following factors:

(A) Review of assets and liabilities;

(B) Member creditable service;

(C) Demographics and salaries;

(D) Required and optional plan provisions;

(E) Contributions made;

(F) Investment earnings; and

(G) Any other factors that will assist in determining the political subdivision's pension obligations before a part of it became a separate entity.

(3) Based on the results of the actuarial study, the political subdivision and the entity, in consultation with the actuary, may determine payment of the entity's pension liabilities using all, any one (1), or a combination of the factors contained in the actuarial study. The actuary shall compare this calculation to the new entity's assets, liabilities, and the structure and solvency of any of its other pension plans.

(4) Upon receipt of the actuarial study, the chief governing bodies of the political subdivision and the entity have the authority to pass and file with the retirement system resolutions, acceptable to the retirement system in both form and substance, requesting that all or a portion of the assets and the liabilities associated thereto contributed by the political subdivision to fund the pension liability that was accrued while the entity was a part of the political subdivision, be transferred from the retirement system account of the political subdivision to the retirement system account of the new entity. Such transfer must include some or

all of the assets with the associated liabilities which may include, without limitation, employer contributions or investment earnings.

(5) Prior to the transfer of some or all of the assets and the associated liabilities from the political subdivision to the new governmental entity, the state treasurer may approve such a request if the political subdivision demonstrates that such a transfer would not negatively impact the long-term solvency of the entity. The state treasurer may require the political subdivision and the entity to provide documentation, including, but not limited to, financial statements, actuarial assessments, and an opinion of an independent actuary.

(d) Any amounts transferred pursuant to this section are considered retirement system assets of the new governmental entity pursuant to chapters 34-37 of this title, and shall not be used for any other purposes.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date 3-2-2020
Time 1:14
Clerk DKG
Comm. Amdt. _____

Amendment No._____

Bill Dunn

Signature of Sponsor

AMEND Senate Bill No. 1764 **House Bill No. 1804***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-8-107, is amended by adding the following as new subsections:

(f) The course of training required of officer candidates for the receipt of a basic certificate of compliance issued by the commission pursuant to this section must include a course of instruction in the detection and investigation of cases of suspected driving under the influence, as prohibited under § 55-10-401.

(g) Relevant changes in state law and procedure relating to the detection and investigation of persons suspected of driving under the influence as prohibited under § 55-10-401 must be included as part of the required annual in-service training for officer candidates.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date 2/25/2020
Time 8:13
Clerk DKS
Comm. Amdt. _____

AMEND Senate Bill No. 981* **House Bill No. 1103**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following as a new part:

12-4-1101. This part shall be known and may be cited as the "Public Contracts for Legal Services Act."

12-4-1102. As used in this part:

(1) "Contingent fee" means that part of a fee for legal services, under a contingent fee contract, the amount or payment of which is contingent on the outcome of the matter for which the services were obtained;

(2) "Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained;

(3) "Issue of statewide concern" means any conduct or harm that is more likely than not to adversely affect the interests of citizens of at least five (5) counties of this state; and

(4) "Political subdivision" means a municipal corporation, county, city, metropolitan government, town, or any other political subdivision of this state.

12-4-1103.

(a) Political subdivisions shall not enter into contingent fee contracts, except as provided by § 12-4-1104.

(b) A political subdivision shall not select or award a contract to which this part applies on the basis of competitive bids submitted for the contract or for the services, but

must make the selection and award on the basis of demonstrated competence, qualifications, and experience to perform the services sought and for a fair and reasonable price.

12-4-1104.

(a) A political subdivision may enter into a contingent fee contract for legal services only if the governing body of the political subdivision:

(1) Before or along with giving the written notice of a meeting required by title 8, chapter 44, part 1, makes available to the public a statement setting forth:

(A) The reasons for pursuing the matter the attorney or law firm may be retained to pursue and the result that is hoped to be achieved by pursuing the matter;

(B) The competence, qualifications, and experience demonstrated by any attorney or law firm the political subdivision may retain;

(C) The nature of any relationship, including the genesis of the relationship, between the political subdivision, the governing body, or any member of the governing body and any attorney or law firm the political subdivision may retain;

(D) The reasons why the political subdivision cannot pursue the matter using its resources without retaining an outside attorney or law firm on a contingent fee basis;

(E) The reasons the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

(F) An explanation of why entering into a contingent fee contract for legal services is in the best interest of the people who are served by the political subdivision; and

(2) Approves the contract in an open meeting called for the purpose of considering the need for obtaining the legal services, the terms of the contract with the attorney or law firm, the competence, qualifications, and experience of the attorney or law firm, and the reasons why the contract is in the best interest of the people who are served by the political subdivision.

(b) The contract is a public record, as that term is defined in § 10-7-503, and the contract must not be withheld from a requestor under § 10-7-504 or any other exception from required disclosure.

12-4-1105.

(a) Before a political subdivision may finally execute a contract to which this part applies, it must submit the contract to the attorney general and reporter, along with:

(1) A description of the matter to be pursued by the political subdivision;

(2) A description of the interest this state or any other governmental entity may have in the matter; and

(3) A copy of the notice required by § 12-4-1104(a)(1) and a statement of how and when the notice was provided to the public.

(b) The attorney general may refuse to approve the political subdivision's request for approval of the contract if the attorney general finds:

(1) Pursuit of the action by the political subdivision usurps or interferes with the attorney general's statutory or constitutional obligations, including:

(A) The trial and direction of all civil litigated matters and administrative proceedings in which the state or any officer, department, agency, board, commission, or instrumentality of the state may be interested, defined in § 8-6-109(b)(1); and

(B) The duty to exercise discretion to defend the constitutionality and validity of all private acts and general laws of local application enacted by the general assembly and of administrative rules or regulations of this state;

(2) The attorney general has the authority to pursue the matter the political subdivision is considering pursuing;

(3) The matter relates to an issue of statewide concern and the attorney general's pursuit of the matter in lieu of the political subdivision's pursuit of the matter is in the state's best interest; or

(4) The political subdivision failed to comply with the requirements of § 12-4-1104, or that the findings made by the political subdivision to justify pursuing the matter are not supported by the documents provided by the political subdivision.

(c) Unless the political subdivision has requested expedited consideration for reasons provided at the time it submits the contract to the attorney general for review, the attorney general may take up to ninety (90) days to approve or disapprove the contract.

(d) Upon disapproval of a political subdivision's request for approval of a contract, the attorney general shall submit a report to the speaker of the house of representatives and the speaker of the senate, stating:

(1) The contract was disapproved and the reason for its disapproval; and

(2) The manner in which the attorney general plans to address the issue of statewide concern identified in the contract.

(e) All reports submitted by the attorney general pursuant to subsection (d) are subject to executive review. Prior to disapproving a contingent fee contract, the attorney general must receive the consent of the governor, or an appropriately designated member of the governor's cabinet.

12-4-1106. A contract entered into or an arrangement made in violation of this part is void as against public policy.

SECTION 2. The change in law made by this act applies only to a contract for legal services executed by a political subdivision on or after the effective date of this act. A contract for legal services executed by a political subdivision before the effective date of this act is

governed by the law applicable before the effective date of this act, and that law continues in effect for that purpose.

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

FILED	
Date	3-2-2020
Time	4:25
Clerk	DKS
Comm. Amdt.	

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2321 **House Bill No. 1952***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-226, is amended by adding the following as new subsections:

(n)

(1) In response to any action or assertion by an agency that the agency's statement, order, or intra-agency memorandum qualifies as an exception to the definition of a rule under § 4-5-102, and that no rule is required to be promulgated on such subjects:

(A)

(i) A member of the general assembly may petition a chairman of the government operations committee of the house of representatives or senate to review the statement, order, or intra-agency memorandum to determine if a rule is required to be promulgated on such subjects in accordance with this chapter;

(ii) Each member of the general assembly is authorized no more than one (1) petition for review in a calendar year under this subsection;

(B) The chairs of the government operations committees of the house of representatives and senate, if petitioned, shall direct that the joint government operations committee meet to review the statement, order, or intra-agency memorandum to determine if a rule is required to be promulgated on such subjects in accordance with this chapter; or

(C) The government operations committee of the house of representatives or senate may vote to request the agency to promulgate the statement, order, or intra-agency memorandum as a rule. If the agency fails to comply with the government operations committee's request to promulgate the agency's statement, order, or intra-agency memorandum as a rule pursuant to this chapter, the government operations committee of the house of representatives or senate may vote to request the general assembly to suspend any or all of the agency or related agency's rulemaking authority for any reasonable period of time or with respect to any subject matter, by legislative enactment.

(2) Notwithstanding any other exemption to rulemaking requirements, this subsection also applies when an agency fails or refuses to promulgate a rule on any other subject.

(o)

(1)

(A) The government operations committee of the house of representatives or senate may request an agency to repromulgate a rule that has been in existence for eight (8) or more years, or to repeal a rule deemed obsolete by one (1) or both of the committees or the agency.

(B) Any agency that is requested to repromulgate a rule under subdivision (o)(1)(A) must initiate the rulemaking process within ninety (90) days of the request by the committee or be subject to the provisions of subdivision (o)(2).

(2) If the agency fails to comply with the government operations committee's request to repromulgate a rule pursuant to this chapter, the government operations committee of the house of representatives or senate may vote to request the general assembly to suspend any or all of the agency or related agency's rulemaking authority

for any reasonable period of time or with respect to any subject matter, by legislative enactment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

_____
Signature of Sponsor

FILED
Date 3-2-2020
Time 4:25
Clerk DKS
Comm. Amdt. _____

AMEND Senate Bill No. 2450 House Bill No. 2421*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-6-301(15)(D), is amended by deleting the language "or any department, agency or entity of state, county or municipal government" and substituting instead the language "or any department, agency, or entity of county or municipal government".

SECTION 2. Tennessee Code Annotated, Title 3, Chapter 6, Part 3, is amended by adding the following as a new section:

3-6-310.

(a) An executive agency shall not use appropriated funds or funds under its control or engage in any activity in an attempt to influence legislative or administrative action.

(b)

(1) The ethics commission shall administratively assess civil penalties against an executive agency or an employee of an agency, or both, for a violation of this section to the extent prescribed in § 3-6-306(a)(4).

(2) In addition to the penalties prescribed in subdivision (b)(1), a violation of this section may result in:

(A) The dismissal of the employee; and

(B) The agency being compelled to appear, upon proper motion, before the government operations committee of the house of representatives and the government operations committee of the senate for review in accordance with title 4, chapter 29, part 1. Upon review,

either committee may make a recommendation to the general assembly to suspend any or all of the agency's rulemaking authority for any reasonable time period or with respect to any subject matter, by legislative enactment.

(c) This section does not prohibit an agency or agency employee from providing information pursuant to a request or communicating with others as employees of state government in pursuit of federal appropriations or in support for federal programs.

SECTION 3. Tennessee Code Annotated, Section 3-6-306(a), is amended by adding the following as a new subdivision:

(4) The ethics commission may administratively assess a civil penalty of not more than one hundred dollars ($100) per day up to a maximum of three thousand dollars ($3,000) for a knowing violation of § 3-6-310.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Dunn

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Bill Dunn

Signature of Sponsor

AMEND Senate Bill No. 1735 House Bill No. 1687*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-314, is amended by deleting the section and substituting instead the following:

Each LEA is responsible for developing and implementing the instructional programs under the state standards adopted by the state board that:

(1) Best fit the LEA's students' educational needs;

(2) Achieve levels of proficiency or advanced mastery;

(3) Vigorously promote individual teacher creativity and autonomy; and

(4) Incorporate science and social studies concepts into the English language arts instruction for students in kindergarten through grade two (K-2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1687 - SB 1735

February 15, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Board of Education (SBE) to abolish all academic standards for science and social studies for students in kindergarten through grade two (K-2). Authorizes the subjects of science and social studies to be incorporated into the curriculum aligned with the academic standards for English language arts for students in K-2.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – $320,100/FY20-21

Decrease State Expenditures – $106,700/Each FY21-22 through FY23-24

SUMMARY OF AMENDMENT (014847): Deletes all language after the enacting clause. Establishes that local education agencies (LEAs) are responsible for developing and implementing the instructional programs under the state standards adopted by SBE that meet certain student and teacher goals and incorporate science and social studies concepts into the English language arts for students in K-2.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- LEAs will be able to comply with the proposed legislation within existing resources.
- LEAs will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1738 House Bill No. 1691*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-201(b), is amended by deleting subdivision (3) and substituting instead the following:

(3) Children entering kindergarten must be five (5) years of age on or before:

(A) August 15 for the 2020-2021 school year;

(B) July 21 for the 2021-2022 school year;

(C) June 26 for the 2022-2023 school year; and

(D) June 1 for the 2023-2024 school year and each school year thereafter;

SECTION 2. Tennessee Code Annotated, Section 49-6-3001(a), is amended by deleting the subsection and substituting instead the following:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age or who will become five (5) years of age on or before:

(1) August 15 for the 2020-2021 school year;

(2) July 21 for the 2021-2022 school year;

(3) June 26 for the 2022-2023 school year; and

(4) June 1 for the 2023-2024 school year and each school year thereafter.

SECTION 3. Tennessee Code Annotated, Section 49-6-3001(b)(1), is amended by deleting the language "on or before August 31 for the 2013-2014 school year and on or before

August 15 for all school years thereafter" and substituting instead the language "on or before the date provided for the respective school year in subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3001(b)(2), is amended by deleting subdivision (B) and substituting instead the following:

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten if the child is five (5) years of age on or before:

(i) September 30 for the 2020-2021 and 2021-2022 school years;

(ii) August 31 for the 2022-2023 school year; and

(iii) July 31 for the 2023-2024 school year and each school year thereafter.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1691 - SB 1738

February 25, 2020

SUMMARY OF ORIGINAL BILL: Changes, from August 15th to June 1st, the date by which children entering kindergarten must be five years of age each year. Changes from August 15th to June 1st the date by which a person must be five years of age in this state to be eligible for free public school for the 2021-22 school year and subsequent years. Changes, from September 30th to July 31st, the date by which a child who is five years of age may enter kindergarten if the director of schools, through evaluation and testing, finds that the child is sufficiently mature emotionally and academically.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) from FY22-23 to FY23-24.

Actual expenditures will decrease in FY21-22 due to decreased enrollment; these expenditures will shift to FY22-23. Due to multiple unknown factors the precise impact to state and local expenditures cannot reasonably be determined.

SUMMARY OF AMENDMENT (015066): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) require that children entering kindergarten must be five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; 2) requires public schools to be free to all persons residing in the state who are five years of age on or before the following dates: August 15th in 2020-21; July 21st in 2021-22; June 26th in 2022-23; and June 1st in 2023-24 and each school year thereafter; and 3) authorizes a director of schools, through evaluation and testing, to find that if a child is sufficiently mature emotionally and academically, a child may enter kindergarten who is five years of age on or before the following dates: September 30th in 2020-21 and 2021-22; August 31st in 2022-23; and July 31st 2023-24 and each school year thereafter.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – The proposed legislation may impact student enrollment in kindergarten classrooms throughout the state, which may shift the amount of funds generated by the Basic Education Program (BEP) forward by one year beginning in FY22-23 and ending in FY24-25.

Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment relative to current law. The overall net impact on funding and expenditures from FY21-22 through FY25-26 will be not significant.

Assumptions for the bill as amended:

- The proposed legislation may decrease enrollment for kindergarten students in the 2021-22 school year and increase enrollment in the 2022-23 school year; however, that number is expected to be offset in subsequent years such that the impact to kindergarten class size will not be significant.
- The proposed legislation may increase the number of voluntary pre-kindergarten (VPK) classrooms needed to serve children with summer birthdates that are not eligible to enroll in kindergarten.
- Tennessee Code Annotated § 49-6-107 requires that VPK programs are subject to annual appropriations. However, because additional funding has not been appropriated to expand the VPK program, enrollment would continue to limit the number of students that can be served.
- Student enrollment is measured by average daily membership (ADM) and is the primary driver of funds generated by the BEP for the following fiscal year, the funding formula through which state education dollars are generated and distributed to Tennessee schools.
- Decreasing enrollment in FY21-22, FY22-23, and FY23-24 and increasing enrollment in FY24-25 may lead to a shift in funding forward one year beginning in FY22-23 and ending in FY24-25; the net impact over the entire period is not significant.
-

School Year	5 Years of Age By	Change in Funding Based on ADM	Enrollment Change From Prior Year	Change in Funding
2020-21	August 15th	2019-20	None	None
2021-22	July 21st	2020-21	Decrease	None
2022-23	June 26th	2021-22	Decrease	Increase
2023-24	June 1st	2022-23	Decrease	Increase
2024-25	June 1st	2023-24	Increase	Increase
2025-26	June 1st	2024-25	None	Decrease
2026-27	June 1st	2025-26	None	None

- Actual expenditures will decrease in FY21-22 through FY23-24 due to decreased enrollment; these expenditures will shift forward one year until FY24-25. Due to multiple unknown factors, including the extent and distribution of kindergarten enrollment changes across schools the precise impact to state and local expenditures cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Scott Cepicky

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1738 House Bill No. 1691*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-201(b), is amended by deleting subdivision (3) and substituting instead the following:

(3) Children entering kindergarten must be five (5) years of age on or before:

(A) August 15 for the 2020-2021 school year;

(B) July 21 for the 2021-2022 school year;

(C) June 26 for the 2022-2023 school year; and

(D) June 1 for the 2023-2024 school year and each school year thereafter;

SECTION 2. Tennessee Code Annotated, Section 49-6-3001(a), is amended by deleting the subsection and substituting instead the following:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age or who will become five (5) years of age on or before:

(1) August 15 for the 2020-2021 school year;

(2) July 21 for the 2021-2022 school year;

(3) June 26 for the 2022-2023 school year; and

(4) June 1 for the 2023-2024 school year and each school year thereafter.

SECTION 3. Tennessee Code Annotated, Section 49-6-3001(b)(1), is amended by deleting the language "on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter" and substituting instead the language "on or before the date provided for the respective school year in subsection (a)".

SECTION 4. Tennessee Code Annotated, Section 49-6-3001(b)(2), is amended by deleting subdivision (B) and substituting instead the following:

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten if the child is five (5) years of age on or before:

(i) September 30 for the 2020-2021 and 2021-2022 school years;

(ii) August 31 for the 2022-2023 school year; and

(iii) July 31 for the 2023-2024 school year and each school year thereafter.

SECTION 5. Notwithstanding § 49-6-201(b) or § 49-6-3001(a) or (b), children who participate in an LEA-administered pre-kindergarten program; a pre-kindergarten program administered by a private school, as defined by § 49-6-3001(c)(3)(A)(iii); or a Head Start program in a Head Start classroom, as defined by 42 U.S.C. § 9832 during the 2020-2021, 2021-2022, or 2022-2023 school years may enter kindergarten in the 2021-2022, 2022-2023, or 2023-2024 school years; provided, that such children must be five (5) years of age on or before August 15, 2021 for the 2021-2022 school year, July 21, 2022 for the 2022-2023 school year, and June 26, 2023 for the 2023-2024 school year.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

House K-12 Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

_____

Signature of Sponsor

AMEND Senate Bill No. 2035 House Bill No. 2002*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-104(b), is amended by designating the existing language as subdivision (1) and adding the following as new subdivisions:

(2) In establishing the maximum caseload standards for special education and related service personnel under this subsection (b), the state board of education and the department of education shall consider the workload associated with:

(A) Providing specially designed instruction, including:

(i) Direct instruction to meet IEP goals or objectives; and

(ii) Indirect services, including:

(a) Consultation with general education teachers;

(b) Adaptation of curricular materials;

(c) Coordination with other service providers;

(d) Collaboration among special education service providers to discuss student progress and to determine the necessary next steps for individual students; and

(e) Dedicated planning time for co-teaching;

(B) Implementing inclusionary practices, including:

(i) Co-teaching;

(ii) Supported instruction; and

(iii) Push-in services; and

(C) IEP management, including:

(i) Coordination of paperwork regarding IEP meetings;

(ii) Development of the IEP;

(iii) Progress monitoring and reporting on IEP goals;

(iv) Annual review and triennial review;

(v) Initial evaluation and reevaluation;

(vi) Functional behavior assessments;

(vii) Behavioral intervention plans; and

(viii) Agency service coordination and documentation.

(3)

(A) Notwithstanding subsection (a), the department of education may grant a waiver from the maximum caseload standards established under this section for special education and related service personnel.

(B) An LEA's request for a waiver from the maximum caseload standards established under this section for special education and related service personnel must describe the LEA's efforts to recruit and retain adequate staff to meet the maximum caseload standards.

SECTION 2. The state board of education shall revise its special education caseload and class size policies, rules, and standards to align with the requirements of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 2002 - SB 2035

February 22, 2020

SUMMARY OF ORIGINAL BILL: Requires the State Board of Education (SBE), in consultation with the Department of Education (DOE), to update and revise the maximum class size and caseload standards for instructional personnel and teachers that develop or implement a student's Individualized Education Program (IEP). Authorizes DOE to grant a waiver from the maximum class sizes, average class sizes, or caseload standards. Requires a local education agency's (LEA's) request for a waiver to include workload calculations demonstrating the need for a waiver. Requires LEAs to include certain criteria in a request for a waiver. Requires DOE to grant an LEA a waiver if certain conditions are met.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact - In the event that the SBE sets standards requiring class sizes to be reduced by five students there will be a recurring increase in state expenditures up to $118,300,000 and a mandatory recurring increase in local matching expenditures up to $5,494,000.*

SUMMARY OF AMENDMENT (015011): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) remove the instructions for calculating workloads; 2) remove the requirement for an LEA to include workload calculations demonstrating the need for a waiver; and 3) require an LEA to include a description of the LEA's efforts to recruit and retain adequate staff to meet the maximum caseload standards in a request for a waiver.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Current law, Tenn. Code Ann. § 49-1-104 requires SBE and DOE to establish standards to address class sizes in all classrooms that include students with disabilities and students eligible for special education services.
- This legislation will require consideration of additional criteria in establishing class size standards.

- Consideration of additional criteria may lead to a reduction in class size standards.
- The precise decrease in class size standards adopted, if any, by SBE is dependent on multiple unknown factors and cannot be reasonably determined.
- The precise number of waivers issued cannot be reasonably determined.
- In the event that the SBE sets standards requiring class sizes to be reduced by five students, based on information provided by DOE, the fiscal impact will be as follows:
    - A recurring increase in state expenditures of up to $118,300,000;
    - A mandatory recurring increase in local matching expenditures of up to $5,494,000.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House K-12 Subcommittee Am. #1

Amendment No._____

_____
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 1813* **House Bill No. 1855**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-221, is amended by deleting subsection (b) and substituting instead the following:

(b) Each LEA shall install the technology selected according to the LEA's internet acceptable use policy under subdivision (a)(1)(C) that blocks all access at the district level to:

(1) Material that the LEA deems to be harmful to juveniles;

(2) Child pornography; and

(3) Obscenity, as determined by community standards.

(c) Each LEA shall review the LEA's internet acceptable use policy, as well as the technology installed by the LEA to filter or block internet access at the district level as required under subsection (b), no later than January 1, 2021, and annually thereafter, to ensure that the LEA's internet acceptable use policy and the technology selected and installed by the LEA pursuant to subdivision (a)(1)(C) and subsection (b) are up to date in light of technological advancements and comply with the federal Children's Internet Protection Act (Pub. L. No. 106-554), as applicable.

(d) Each LEA shall ensure that all LEA computers that connect to an authenticated LEA network are installed with up to date anti-virus or spam removal software.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

SB 1813 - HB 1855

February 24, 2020

SUMMARY OF ORIGINAL BILL: Requires each local education agency (LEA) to install technology on each of the LEA's computers with internet access to filter or block internet access through the LEAs computers to material deemed by the LEA to be harmful, pornographic, or obscene by community standards. Requires each LEA to review its internet acceptable use policy and the technology installed to filter or block internet access through the LEAs computers by January 1, 2021, and once every three years after. Requires the director of schools to implement and enforce the LEA's acceptable use policy.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – $4,500,000/FY20-21*
$810,000/FY21-22 and Subsequent Years*

SUMMARY OF AMENDMENT (014672): Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes are to: 1) change, from at least once every three years to annually, the required frequency for each LEA to review its internet acceptable use policy, as well as the technology installed by the LEA to filter or block internet access at the district level; 2) remove language requiring the technology to be installed on each computer; 3) require LEAs to comply with the federal Children's Internet Protection Act; and 4) require each LEA to ensure that all LEA computers that can connect to an authenticated LEA network are installed with up to date anti-virus or spam removal software.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumption for the bill as amended:

- It is assumed that all districts are currently using enterprise level management systems rather than per-device software; thus the Department of Education (DOE) and LEAs will be able to filter or block internet access at the district level within existing resources.
- DOE and LEAs will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.

- No impact to the Basic Education Program

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

House Education Administration Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

_____

Signature of Sponsor

AMEND Senate Bill No. 496 **House Bill No. 38***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated pursuant to § 49-6-309.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (viii) and substituting instead the following:

By the 2019-2020 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix).

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

49-6-309.

(a) Teachers in pre-kindergarten through grade two (pre-K-2) must be evaluated by a peer group that consists of at least three (3) licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. The peer group shall evaluate the pre-kindergarten and kindergarten teachers employed in the

school under the supervision of the school's principal using the evaluation guidelines and criteria developed by the LEA's director of schools.

(b) The evaluation guidelines and criteria developed by the LEA's director of schools must be applied uniformly throughout the LEA and must provide each pre-kindergarten through grade two (pre-K-2) teacher in the LEA with individual growth data that is representative of student growth for purposes of § 49-1-302(d)(2)(B).

SECTION 5. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not administer any test or assessment to students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test or assessment used by this state to evaluate the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 6. For purposes of developing evaluation guidelines and criteria, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 2, 3, and 5 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 1 and 4 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2019-2020 school year and each school year thereafter. For all other purposes, all remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

CORRECTED FISCAL MEMORANDUM

HB 38 - SB 496

April 8, 2019

SUMMARY OF ORIGINAL BILL: Increases, from 10 days to 10 business days, the amount of time that a governing body of a local education agency (LEA) is required to give public notice in advance of accepting bids for the construction of school buildings or additions to existing buildings.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006858): Deletes all language after the enacting clause. Requires pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten approval under Tenn. Code Ann. § 49-6-103 through § 49-6-309 to be evaluated pursuant to § 49-6-309. Requires LEAs to use at least one appropriate alternative growth model that has been approved by the State Board of Education (SBE). Removes the requirement for the Department of Education (DOE) to develop alternative student growth models for grade levels and subjects that do not have models. Requires that teachers in pre-kindergarten through grade two to be evaluated by a peer group that consists of at least three licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. Requires an LEA's director of schools to develop evaluation criteria that provides each pre-kindergarten through grade two teacher with individual growth data pursuant to Tenn. Code Ann. § 49-1-302. Prohibits the state from administering any test or assessment to students in pre-kindergarten through grade two that is used to evaluate the performance, growth, or achievement of a teacher or student.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On April 2, 2019, a fiscal memorandum was issued with the following fiscal impact:

Increase State Expenditures – Exceeds $655,000

Based on additional information from DOE and further analysis, this impact was determined to be in error. The corrected fiscal impact is as follows:

(CORRECTED)

NOT SIGNIFICANT

HB 38 - SB 496 (CORRECTED)

Corrected Assumptions for the bill as amended:

- LEAs will be able to comply with the proposed legislation within existing resources without a significant increase in expenditures.
- LEAs will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations
- No change to the Basic Education Program.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Copiary
Ed. Full

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

Signature of Sponsor

AMEND Senate Bill No. 496 House Bill No. 38*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated pursuant to § 49-6-309.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (viii) and substituting instead the following:

By the 2019-2020 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix).

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

49-6-309.

(a) Teachers in pre-kindergarten through grade two (pre-K-2) must be evaluated by a peer group that consists of at least three (3) licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. The peer group shall evaluate the pre-kindergarten and kindergarten teachers employed in the

school under the supervision of the school's principal using the evaluation guidelines and criteria developed by the LEA's director of schools.

(b) The evaluation guidelines and criteria developed by the LEA's director of schools must be applied uniformly throughout the LEA and must provide each pre-kindergarten through grade two (pre-K-2) teacher in the LEA with individual growth data that is representative of student growth.

SECTION 5. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not mandate any test or assessment to students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test or assessment used by this state to evaluate the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 6. For purposes of developing evaluation guidelines and criteria, Sections 1 and 4 of this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, Sections 1 and 4 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2019-2020 school year and each school year thereafter. Sections 2, 3, and 5 of this act shall take effect upon becoming a law, the public welfare requiring it.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 38 - SB 496

April 10, 2019

SUMMARY OF ORIGINAL BILL: Increases, from 10 days to 10 business days, the amount of time that a governing body of a local education agency (LEA) is required to give public notice in advance of accepting bids for the construction of school buildings or additions to existing buildings.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (008081): Deletes all language after the enacting clause. Requires pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten approval under Tenn. Code Ann. § 49-6-103 through § 49-6-309 to be evaluated pursuant to § 49-6-309. Requires LEAs to use at least one appropriate alternative growth model that has been approved by the State Board of Education (SBE). Removes the requirement for the Department of Education (DOE) to develop alternative student growth models for grade levels and subjects that do not have models. Requires that teachers in pre-kindergarten through grade two to be evaluated by a peer group that consists of at least three licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. Requires an LEA's director of schools to develop evaluation criteria that provides each pre-kindergarten through grade two teacher with individual growth data pursuant to Tenn. Code Ann. § 49-1-302. Prohibits the state from mandating any test or assessment to students in pre-kindergarten through grade two that is used to evaluate the performance, growth, or achievement of a teacher or student.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- LEAs will be able to comply with the proposed legislation within existing resources without a significant increase in expenditures.

- LEAs will be able to amend their policies in accordance with the provisions of this legislation during the normal course of business; therefore, any fiscal impact is estimated to be not significant.
- No significant impact to state or local operations
- No change to the Basic Education Program.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Van Huss

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No._____

_____
Signature of Sponsor

AMEND Senate Bill No. 496 **House Bill No. 38***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(vii), is amended by deleting the language "For teachers without access to individual growth data representative of student growth" and substituting instead "For teachers in grades three through twelve (3-12) without access to individual growth data representative of student growth".

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix) and substituting instead the following:

Beginning with the 2020-2021 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(x), is amended by deleting the language "grade levels and".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(F) Beginning with the 2020-2021 school year, for teachers in pre-kindergarten through grade two (pre-K-2), sixty percent (60%) of the evaluation criteria must be comprised of classroom or position observation results pursuant to subdivision (d)(2)(C). The remaining forty percent (40%) of the evaluation criteria must be based on other measures of student achievement selected from the list of measures developed and adopted pursuant to subdivision (d)(2)(B)(iii).

SECTION 5. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated according to § 49-1-302(d)(2)(F).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not mandate any test, assessment, or evaluation of students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test, assessment, or evaluation used to measure the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2020-2021 school year and each school year thereafter.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 38 - SB 496

February 5, 2020

SUMMARY OF ORIGINAL BILL: Increases, from 10 days to 10 business days, the amount of time that a governing body of a local education agency is required to give public notice in advance of accepting bids for the construction of school buildings or additions to existing buildings.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013003): Deletes all language after the enacting clause. Exempts teachers in pre-kindergarten through grade two from certain scoring requirements related to the Tennessee Value-Added Assessment System (TVAAS). Requires LEAs to use an appropriate alternative growth model for teachers in grades three through twelve who teach in a non-tested subject. Requires teachers in pre-kindergarten through grade two to be evaluated using specific measures of classroom observation and student achievement beginning in the 2020-21 school year. Prohibits the state from requiring any test, assessment, or evaluation of students or teachers in pre-kindergarten through grade two.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – Federal Funding may be jeopardized if it is determined that the state is out of compliance with federal law. The timing and extent of any such jeopardized funds is dependent on determinations made by the U.S. Department of Education and cannot be determined with reasonable certainty.

Assumptions for the bill as amended:

- The proposed legislation would require the Department of Education (DOE) to implement changes to the educator management system by the 2020-21 school year.
- It is assumed that that DOE will use the current vendor for the educator management system and any required system changes will be supported through the existing vendor contract.

- The proposed legislation prohibits tests, evaluations, and assessments of students in pre-kindergarten through grade two; this may put the state out of compliance with the U.S. Department of Education's Individual's with Disabilities Act which may jeopardize federal funding.
- The extent to which the proposed legislation places the state out of compliance with federal law and the timing of any such impact is dependent on determinations made by the U.S. Department of Education; however, based on information provided by DOE, the loss in recurring federal funding may exceed $650,000,000 in FY20-21 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Van Huss

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 496 **House Bill No. 38***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(vii), is amended by deleting the language "For teachers without access to individual growth data representative of student growth" and substituting instead "For teachers in grades three through twelve (3-12) without access to individual growth data representative of student growth".

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix) and substituting instead the following:

Beginning with the 2020-2021 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(x), is amended by deleting the language "grade levels and".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(F) Beginning with the 2020-2021 school year, for teachers in pre-kindergarten through grade two (pre-K-2), sixty percent (60%) of the evaluation criteria must be composed of classroom or position observation results pursuant to subdivision (d)(2)(C). The remaining forty percent (40%) of the evaluation criteria must be based on other measures of student achievement selected from the list of measures developed and adopted pursuant to subdivision (d)(2)(B)(iii).

SECTION 5. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated according to § 49-1-302(d)(2)(F).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) The state shall not mandate any test, assessment, or evaluation of students in pre-kindergarten through grade two (pre-K-2) for purposes of measuring the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

(2) Notwithstanding subdivision (a)(1), the state may require a test, assessment, or evaluation necessary for compliance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), to screen students for dyslexia under § 49-1-229, or to assess English language learners.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2020-2021 school year and each school year thereafter.

Van Huss

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 496 **House Bill No. 38***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(vii), is amended by deleting the language "For teachers without access to individual growth data representative of student growth" and substituting instead "For teachers in grades three through twelve (3-12) without access to individual growth data representative of student growth".

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix) and substituting instead the following:

Beginning with the 2020-2021 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(x), is amended by deleting the language "grade levels and".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(F) Beginning with the 2020-2021 school year, for teachers in pre-kindergarten through grade two (pre-K-2), sixty percent (60%) of the evaluation criteria must be composed of classroom or position observation results pursuant to subdivision (d)(2)(C). The remaining forty percent (40%) of the evaluation criteria must be based on other measures of student achievement selected from the list of measures developed and adopted pursuant to subdivision (d)(2)(B)(iii).

SECTION 5. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated according to § 49-1-302(d)(2)(F).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) The state shall not mandate any test, assessment, or evaluation of students in pre-kindergarten through grade two (pre-K-2) for purposes of measuring the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

(2) Notwithstanding subdivision (a)(1), the state may require a test, assessment, or evaluation necessary for compliance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), to screen students for dyslexia under § 49-1-229, to assess English language learners, or to implement RTI², as defined in § 49-1-229.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2020-2021 school year and each school year thereafter.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 38 - SB 496

February 5, 2020

SUMMARY OF ORIGINAL BILL: Increases, from 10 days to 10 business days, the amount of time that a governing body of a local education agency is required to give public notice in advance of accepting bids for the construction of school buildings or additions to existing buildings.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014194): Deletes all language after the enacting clause. Exempts teachers in pre-kindergarten through grade two from certain scoring requirements related to the Tennessee Value-Added Assessment System (TVAAS). Requires LEAs to use an appropriate alternative growth model for teachers in grades three through twelve who teach in a non-tested subject. Requires teachers in pre-kindergarten through grade two to be evaluated using specific measures of classroom observation and student achievement beginning in the 2020-21 school year. Prohibits the state from requiring any test, assessment, or evaluation of students or teachers in pre-kindergarten through grade two unless necessary to comply with the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400, et seq.), to screen students for dyslexia under Tenn. Code Ann. § 49-1-229, or to assess English language learners.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation would require the Department of Education (DOE) to implement changes to the educator management system by the 2020-21 school year.
- It is assumed that that DOE will use the current vendor for the educator management system and any required system changes will be supported through the existing vendor contract.
- The proposed legislation prohibits tests, evaluations, and assessments of students in pre-kindergarten through grade two except those necessary to comply with federal

IDEA requirements, to screen students for dyslexia, or to assess English language learners; therefore, no federal funding will be jeopardized.

- Local education agencies (LEAs) will be able to comply with the proposed legislation within existing resources.
- Any fiscal impact on state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner

Krista Lee Carsner, Executive Director

/alh

Van Huss

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 496 **House Bill No. 38***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(vii), is amended by deleting the language "For teachers without access to individual growth data representative of student growth" and substituting instead "For teachers in grades three through twelve (3-12) without access to individual growth data representative of student growth".

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix) and substituting instead the following:

Beginning with the 2020-2021 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(x), is amended by deleting the language "grade levels and".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(F) Beginning with the 2020-2021 school year, for teachers in pre-kindergarten through grade two (pre-K-2), sixty percent (60%) of the evaluation criteria must be composed of classroom or position observation results pursuant to subdivision (d)(2)(C). The remaining forty percent (40%) of the evaluation criteria must be based on other measures of student achievement selected from the list of measures developed and adopted pursuant to subdivision (d)(2)(B)(iii).

SECTION 5. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated according to § 49-1-302(d)(2)(F).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) The state shall not mandate any test, assessment, or evaluation of students in pre-kindergarten through grade two (pre-K-2) for purposes of measuring the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

(2) Notwithstanding subdivision (a)(1), the state may require a test, assessment, or evaluation necessary for compliance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), to screen students for dyslexia under § 49-1-229, to assess English language learners, to implement RTI², as defined in § 49-1-229, or to assess the reading proficiency of students in pre-kindergarten through grade two (pre-K-2).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2020-2021 school year and each school year thereafter.

Smith

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2101 **House Bill No. 2152***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 11, is amended by adding the following language as a new section:

(a) As used in this section, "railroad crossing" means any location where a public street or highway is crossed by, or intersects with, a railroad track or line.

(b) A railroad company controlling the movement of a railroad train, car, engine, or other equipment shall not permit the train, car, engine, or other equipment to obstruct or cause the obstruction of a railroad crossing for a period in excess of fifteen (15) consecutive minutes if the railroad crossing provides the sole ingress and egress to and from a hospital, residential neighborhood, or occupied residence.

(c)

(1) The commissioner of transportation may, after providing notice and opportunity for a hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, impose a civil penalty of one thousand dollars ($1,000) per violation against the railroad company.

(2) If a second or subsequent violation of subsection (b) occurs at the same railroad crossing a second or subsequent time within eighteen (18) months from the date of the first occurrence, the commissioner may impose, after providing notice and opportunity for a hearing under the Uniform Administrative

Procedures Act, compiled in title 4, chapter 5, a civil penalty up to three thousand dollars ($3,000) upon the railroad company.

(d) All civil penalties collected by the commissioner pursuant to this section must be allocated as follows:

(1) Fifteen percent (15%) must be retained by the department of transportation for costs of administration of this section; and

(2) Eighty-five percent (85%) must be distributed to the county or municipality in which the violation of subsection (b) occurred and used solely for railroad crossing projects on county roads or municipal streets within the county or municipality, as applicable.

(e) A railroad company is not immune from any civil liability that may be imposed or incurred for bodily injury to, or the death of, a person as a result of the person being transported in an ambulance or other emergency services vehicle that is blocked or obstructed at a railroad crossing in violation of subsection (b).

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2903 **House Bill No. 2320***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following as new subdivisions:

( ) White Oak Circle beginning from the junction of such road with White Oak Road, which segment is approximately five (5) miles long, within the jurisdiction of the City of Sunbright in Morgan County;

( ) Mill Creek Road beginning from its intersection with Hamby Road near U.S. Highway 27 for approximately six (6) miles, partly within the jurisdiction of the City of Sunbright in Morgan County;

( ) Dyna Tex Road beginning from its intersection with U.S. Highway 27 for approximately one (1) mile, partly within the jurisdiction of the City of Sunbright in Morgan County;

( ) Old Burrville Road beginning from its intersection with U.S. Highway 27 for approximately one-half (.5) mile, within the jurisdiction of the City of Sunbright in Morgan County;

( ) Pea Ridge Road beginning from its intersection with U.S. Highway 27 for approximately three (3) miles, partly within the jurisdiction of the City of Sunbright in Morgan County; and

( ) Newport Road beginning from its intersection with Pea Ridge Road for approximately two (2) miles, within the jurisdiction of the City of Sunbright in Morgan County.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

_____
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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AMEND Senate Bill No. 688 House Bill No. 747*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 11, is amended by adding the following as a new section:

(a) This section applies only to businesses qualified under this program as of July 1, 2009.

(b) Where more than six (6) businesses of a specific service type are eligible for sign panels at the same interchange or intersection approach, the department may display additional sign panels of that same specific service type in accordance with Section 2J.04 and other applicable guidelines in the Manual on Uniform Traffic Control Devices. The additional sign panels may be displayed either by:

(1) Placing more than one (1) specific service type on the same sign; or

(2) Using a second specific service sign of that specific service type, if the additional sign can be added without exceeding the limit of four (4) specific service signs at an interchange or intersection approach.

(c) If the department places more than one (1) specific service type on the same sign pursuant to subdivision (b)(1), no more than three (3) types of services shall be represented on any sign or sign assembly. If three (3) types of services are displayed on a single sign, the sign panels shall be limited to two (2) for each service type. If the department displays two (2) types of services on a single sign, the sign panels shall be limited to either three (3) for each service type, or four (4) for one (1) service type and two (2) for the other service type.

(d) If the department uses a second specific service sign of that specific service type to display additional sign panels pursuant to subdivision (b)(2), no more than twelve (12) sign panels of a specific service type shall be displayed on no more than two (2) specific service signs or sign assemblies, and no more than six (6) sign panels shall be displayed on a single specific service sign.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

Eldridge

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 2532 **House Bill No. 2413***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-140, is amended by designating existing language as subsection (a) and adding the following as a new subsection (b):

(b) Notwithstanding subdivision (a)(1), the driver of a vehicle intending to make a right turn from a state highway onto an intersecting road, highway, or driveway is authorized to move onto the paved shoulder of the highway prior to making the turn in order to permit vehicles following the vehicle making the turn to proceed; provided, that sufficient area on the paved shoulder exists to do so safely.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Ogles

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. 1

Signature of Sponsor

AMEND Senate Bill No. 2210 House Bill No. 2128*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "County road" means a road that has been classified as a county road pursuant to § 54-10-103 or a road for which a county has otherwise assumed control, and does not include a state highway or an interstate or national defense highway; and

(2) "Heritage road" means any county road that:

(A) Is of historical or cultural significance in the settlement and development of this state, or is historically important in a local, regional, or state level, and has at least one (1) of the following characteristics:

(i) Has outstanding natural features along its borders, such as stands or canopies of trees, stream valleys, or dry-stacked stone walls;

(ii) Provides outstanding vistas of farm fields and rural landscape or buildings; or

(iii) Provides access to historic resources, follows historic alignments, or highlights historic landscapes; and

(B) Is designated as a heritage road by the county highway department pursuant to this section, and approved by the county legislative body as such.

(b) There is established a heritage roads program to be administered by the county.

(c) The county may designate roads to be included as part of the program and may delete roads from the program.

(d) The county may establish regulations necessary to effectively administer nominating roads to the program.

SECTION 2. Tennessee Code Annotated, Section 55-7-205(a)(8), is amended by adding the following as a new subdivision (D):

(i) As used in this subdivision (a)(8)(D), "heritage road" has the same meaning as defined in SECTION 1.

(ii) A county legislative body or the commissioner may set weight limits on a heritage road pursuant to this subdivision (a)(8) without conducting an engineering study.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Dan Howell
_____
Signature of Sponsor

AMEND Senate Bill No. 243* **House Bill No. 1071**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 21, is amended by deleting the chapter in its entirety and substituting instead the following:

54-21-101. Short title.

This chapter shall be known and may be cited as the "Outdoor Advertising Control Act of 2020."

54-21-102. Chapter definitions.

As used in this chapter:

(1) "Adjacent area" means that area within six hundred sixty feet (660') of the nearest edge of the right-of-way of interstate and primary highways and visible from the main traveled way of the interstate or primary highways;

(2) "Changeable message sign" means an outdoor advertising device that displays a series of messages at intervals by means of digital display or mechanical rotating panels;

(3) "Commissioner" means the commissioner of transportation or the commissioner's designee;

(4) "Compensation" means the exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt;

(5) "Conforming" means an outdoor advertising device that was permitted under and conforms to the zoning, size, lighting, and spacing criteria established in accordance with either the current agreement entered into between the

commissioner and the secretary of transportation of the United States on or about October 18, 1984, or the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-114. Any permitted outdoor advertising device that continues to conform to either the current agreement or the original agreement and conditions provided in § 54-21-114 is considered conforming;

(6) "Customary maintenance" means maintenance of a nonconforming outdoor advertising device, which may include, but shall not exceed, the replacement of the sign face and stringers in like materials, and the replacement in like materials of up to fifty percent (50%) of the device's poles, posts, or other support structures; provided, that the replacement of any poles, posts, or other support structures is limited to one (1) time within a twenty-four-month period;

(7) "Department" means the department of transportation;

(8) "Destroyed" means, with respect to a nonconforming outdoor advertising device, that, in the case of wooden sign structures, sixty percent (60%) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for replacement of the broken supports or, in the case of metal sign structures, replacement of at least thirty percent (30%) of the length above ground of each broken, bent, or twisted support;

(9) "Digital display" means a type of changeable message sign that displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;

(10) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but does not apply to changes of copy treatment on an existing outdoor advertising device;

(11) "Facility" means a building with functioning utility services that has regular hours of operation on a year-round basis;

(12) "Information center" means an area or site established and maintained at a safety rest area for the purpose of informing the public of places of interest within this state and providing other information the commissioner may consider desirable;

(13) "Interstate system" means that portion of the national system of interstate and defense highways, located within this state, as officially designated, or as may hereafter be designated, by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(14) "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. "Main traveled way" does not include such facilities as frontage roads, turning roadways, or parking areas;

(15) "Nonconforming" means an outdoor advertising device that does not conform to the zoning, size, lighting, or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-114. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-114 shall not be considered nonconforming;

(16) "Outdoor advertising device" means a sign that is:

(A) Operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; or

(B) A sign located on a facility's parcel owned or operated for the primary purpose of displaying a sign for purposes set forth in subdivision (16)(A);

(17) "Person" means and includes an individual, a partnership, an association, a corporation, or other entity;

(18) "Primary system" means that portion of connected main highways, located within this state, as officially designated, or as may hereafter be designated by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code, including highways designated as part of the national highway system and highways formerly designated as part of the federal-aid primary system;

(19) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public;

(20) "Sign" means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of an interstate system or primary system;

(21) "State system" means that portion of highways located within this state, as officially designated, or as may hereafter be designated by the commissioner;

(22) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders;

(23) "Utility signs" means warning signs, notices, or markers that are customarily erected and maintained for operational and public safety purposes by publicly or privately owned utilities, railroads, ferries, airports, or other entities that provide utility or transportation services; and

(24) "Visible":

(A) Means capable of being seen and is legible without visual aid by a person traveling the posted speed limit on the main traveled way of the highway; and

(B) Does not include outdoor advertising devices only incidentally seen from the main traveled way and not constructed for the purpose of attracting motorists on the main traveled way.

54-21-103. Administration.

The department, through its maintenance division, shall administer this chapter.

54-21-104. Restrictions on outdoor advertising devices on interstate and primary highways.

An outdoor advertising device shall not be erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems in this state except the following:

(1) Directional or other official signs and notices authorized or required by law;

(2) Signs, displays, and devices other than outdoor advertising devices;

(3) Outdoor advertising devices located in areas that are zoned industrial or commercial under authority of local government law and whose size, lighting, and spacing are consistent with customary use as determined by agreement between the state and the secretary of transportation of the United States;

(4) Outdoor advertising devices located in unzoned commercial or industrial areas as may be determined by agreement between the state and the secretary of transportation of the United States;

(5) Landmark signs lawfully in existence on October 22, 1965, as authorized under 23 U.S.C. § 131 and 23 CFR 750.710; and

(6) Utility signs.

54-21-105. Permits and tags -- Fees.

(a)

(1) Unless otherwise provided in this chapter, a person shall not construct, erect, operate, use, maintain, or cause or permit to be constructed, erected, operated, used, or maintained, any outdoor advertising device within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems without first obtaining from the commissioner a permit and tag.

(2) If an existing outdoor advertising device was not subject to this chapter when it was erected but is subsequently made subject to this chapter by a federal law or action that adds a highway or section of a highway to the interstate or primary highway systems, such outdoor advertising device is required to obtain a permit and tag from the commissioner as provided in subdivision (b)(2).

(3) An outdoor advertising device erected within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems between September 11, 2019, and the effective date of this act, is deemed legal conforming or legal nonconforming and is required to obtain a permit and tag from the department as provided in subdivision (b)(2).

(4) Outdoor advertising devices that were permitted under the Billboard Regulation and Control Act of 1972, compiled in this chapter as it existed prior to the effective date of this act, shall be assigned the same permit number that was given under that act.

(b)

(1) Except as otherwise provided in subdivision (b)(2), permits and tags shall not be issued until applications are made in accordance with and on forms provided by the commissioner and accompanied by payment of a fee of two

hundred dollars ($200) for each permit and tag requested. This fee represents payment for the required tag and for the first annual permit and is not subject to return upon rejection of any application. The commissioner shall use best efforts to process an application for a permit, in accordance with the rules of the department, within no greater than sixty (60) days after a completed application is received. If the application is incomplete or defective on its face, the commissioner shall notify an applicant in writing no later than fifteen (15) days of receipt of the filed application of its incomplete or defective status, and indicate the information or documentation that is needed to complete or correct the application. If a decision either to issue or deny the permit cannot be made within sixty (60) days after receipt of the completed or corrected application, the commissioner shall contact the applicant prior to the expiration of the sixty (60) days to provide an explanation of the reasons why additional time is needed to process the application.

(2) If an existing outdoor advertising device is made subject to this chapter under subdivision (a)(2) or (a)(3) or if an existing outdoor advertising device that was subject to this chapter when it was erected but is subsequently modified from its original permitted state as provided in subdivision (a)(2), the owner or operator of the outdoor advertising device shall obtain a permit and tag in the same manner as provided in subdivision (b)(1) except as follows:

(A) The application for the permit and tag must be made on an application form specifically provided for this purpose;

(B) The application form must exempt the applicant from providing:

(i) Any stake or mark on the ground showing the location of the outdoor advertising device on the real property;

(ii) A map or scaled drawing showing the property lines of the real property within which the outdoor advertising device is

located, the location of the outdoor advertising device within the real property, the public roads adjacent to the real property, or the means of access to the outdoor advertising device; or

(iii) Any affidavit or other document from the real property owner verifying that the owner has granted the applicant the right to construct and operate the outdoor advertising device on the real property;

(C) The application must be accompanied by payment of a fee of seventy dollars ($70.00) for each permit and tag requested. This fee represents payment for the required tag and for the first annual permit and is not subject to return upon rejection of any application;

(D) After a completed application is submitted to and processed by the department in accordance with this subdivision (b)(2) and the applicable provisions of the department's outdoor advertising device regulations, the department shall issue the permit, except as otherwise provided in subdivision (b)(2)(F);

(E) The department shall not deny a permit for an existing outdoor advertising device under this subdivision (b)(2) solely because the outdoor advertising device does not meet the size, lighting, spacing, or zoning criteria that are required for new outdoor advertising devices under current law and regulations;

(F)

(i) An application for a permit may be denied on other grounds under this subdivision (b)(2) only in accordance with current law or regulations, including as follows:

(*a*) The outdoor advertising device is located within or encroaches upon state highway right-of-way;

(*b*) There is no access to the outdoor advertising device for maintenance or operational purposes except by direct access from state highway right-of-way or across the state's access control limits;

(*c*) The applicant for the permit is subject to enforcement action under § 54-21-106(c); or

(*d*) Issuance of the permit would violate federal law;

(ii) Before denying a permit on any of the grounds provided in subdivision (b)(2)(F)(i), the department shall notify the applicant in writing of the violation that prevents issuance of the permit. The department shall also give the applicant a reasonable amount of time to undertake such action, if any, that would cure the violation. If the applicant cures the violation, the department shall issue the permit, but if the applicant fails to cure the violation, the department shall deny the permit;

(G) Any permit that is issued under this subdivision (b)(2) must indicate whether the outdoor advertising device is characterized and regulated as a conforming or nonconforming device under this chapter based upon the conditions and laws in effect on the date of the department's field inspection. The department shall notify the applicant in writing of the reason or reasons for characterizing a device as nonconforming; and

(H) The applicant has the right to appeal the department's decision in accordance with the department's outdoor advertising device rules and the applicable provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) An application for an addendum to an existing permit requesting authorization to upgrade an existing outdoor advertising device to a changeable message sign with a digital display, as provided in § 54-21-120, must also be accompanied by payment of a fee of two hundred dollars ($200), which is not subject to return upon rejection of the application. Neither the application for an addendum nor the payment of the two-hundred-dollar fee is required for an outdoor advertising device authorized by a valid permit from the department that was effective on September 10, 2019, and has been upgraded to a changeable message sign with a digital display between September 11, 2019, and the effective date of this act.

(4) For the purposes of issuing permits and regulating outdoor advertising devices in accordance with this chapter, the location of a permitted outdoor advertising device is determined by the location of the supporting monopole, or by the location of the supporting pole nearest to the highway in the case of a device erected on multiple supporting poles; provided, however, that where a permitted multiple-pole device may be lawfully reconstructed, the replacement of the supporting poles with a monopole is not considered a change of location requiring a new permit if:

(A) The permittee gives advance notice to, and receives the prior approval of, the department before reconstructing the outdoor advertising device;

(B) The monopole is erected within the line segment defined by the previous supporting poles; and

(C) The location of the monopole meets applicable spacing requirements.

(5) Any advertising structure existing along the parkway system by and for the sole benefit of a nonprofit organization exempt from federal income tax

under 26 U.S.C. § 501(c)(3) is exempt from the payment of fees for permits or tags under this subsection (b).

(c)

(1) All tags issued are permanent; however, permits must be renewed annually between November 1 and December 31, and the commissioner shall charge the sum of seventy dollars ($70.00) for 2021 and thereafter for annual renewal of each permit. A valid permit that was effective on September 10, 2019, shall not become invalid based on any failure to renew the permit between November 1 and December 31, 2019, and such permit shall not be subject to renewal until the renewal period occurring after the effective date of this act.

(2) In the event that a permit has not been renewed by December 31 for the following year as required by subdivision (c)(1), the permit is not considered void until the commissioner has given the permit holder notice of the failure to renew and the opportunity to correct the unlawfulness, as provided in § 54-21-106(b). The department must send the notice of the failure to renew within sixty (60) days after the failure to renew. The failure to renew may be remedied by submitting a late renewal form and paying the annual permit renewal fee together with a late fee, in the total amount of two hundred dollars ($200), within thirty (30) days of receipt of the notice. If a permit holder fails to renew the permit within this thirty-day notice period, then the permit is void and the outdoor advertising device is considered unlawful and subject to removal as further provided in § 54-21-106. The notice given by the commissioner must include the requirements for renewal and consequences of failure to renew as provided by this subdivision (c)(2). Any permit that has not been renewed within one hundred twenty (120) days after the failure to renew is void. After the permit is voided and upon payment of all accrued, delinquent renewal fees, the commissioner shall reinstate a voided permit. Where a permit is void for failure to renew, it shall be renewed on submission by the owner of accrued fees, if any, and a permit

application. The permit application shall include the name and address of the owner of the outdoor advertising device, the name and address of the property owner, and the location of the device.

(d) For each permit issued, the commissioner shall deliver to the applicant a serially numbered permit tag, which must be attached on the outdoor advertising device in a manner as to be visible from the main traveled way of the interstate or primary highway. If more than one (1) side of any structure is used for an outdoor advertising device, a permit and tag is required for each side. Any outdoor advertising device sculptured in the round is considered to have three (3) sides.

(e) For each replacement tag issued, the commissioner shall deliver to the applicant a serially numbered permit tag. The cost of this replacement tag is twenty-five dollars ($25.00), payable at the time of request.

(f) Whenever it becomes necessary to transfer a permit from one (1) permit holder to another, the department shall charge a transfer fee of ten dollars ($10.00) to the permit holder of record.

54-21-106. Failure to comply with § 54-21-105 -- Effect.

(a)

(1) Any owner of any outdoor advertising device who has failed to act in accordance with § 54-21-105 must remove the outdoor advertising device immediately.

(2) Failure to remove the outdoor advertising device renders the outdoor advertising device a public nuisance and subject to immediate disposal, removal, or destruction.

(3) In addition, the commissioner has the authority to assess and collect from the owner a civil penalty in the amount of one hundred dollars ($100) for each calendar day after the date that the owner is determined through a contested case hearing to have failed to act in accordance with § 54-21-105.

The total amount of the civil penalty imposed each year must not exceed three thousand dollars ($3,000).

(4) In addition, or in lieu of subdivisions (a)(1)-(3), the commissioner may enter upon any property on which an outdoor advertising device is located and dispose of, remove, or destroy the outdoor advertising device, all without incurring any liability for those actions.

(b) Prior to invoking this section, the commissioner shall give notice either by certified mail or by personal service to the owner of the outdoor advertising device or occupant of the land on which the outdoor advertising device is located. The notice must specify the basis for the alleged unlawfulness, the remedial action that is required to correct the unlawfulness, the opportunity to request a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and advise that a failure to take the remedial action or request a hearing within forty-five (45) days results in the sign being subject to removal. For good cause shown, the commissioner may extend the forty-five-day period for remedial action for up to an additional one hundred fifty (150) days, so long as all advertising content is removed from the unlawful outdoor advertising device within the forty-five-day period. If advertising content is placed on the outdoor advertising device during any extended period, the outdoor advertising device may be immediately removed by the commissioner without further notice. The owner of the outdoor advertising device is liable to the state for damages equal to three (3) times the cost of removal, in addition to any other applicable fees, costs, or damages, but the owner of the land on which the outdoor advertising device is located shall not be presumed to be the owner of the outdoor advertising device simply because it is on the owner's property.

(c)

(1) If the department has reason to believe that a sign is being operated, in whole or part, as an outdoor advertising device without first obtaining a permit as required under § 54-21-105, the department may issue an investigative

request to the owner or operator of the sign, the owner of the property, or any other person for the purpose of obtaining relevant documents or information to determine whether the sign is being operated as an outdoor advertising device.

(2) If, after being served with an investigative request by the department under subdivision (c)(1), the person provides the requested documents or information and the department determines that the sign is being operated as an outdoor advertising device in violation of §§ 54-21-104 and 54-21-105, the department shall issue a written order to the owner or operator of the outdoor advertising device explaining the basis for determining that the sign is an outdoor advertising device and directing the owner or operator of the device to remedy the violation by applying for the applicable outdoor advertising device permit, or by removing the unlawful device, as appropriate, by the date set forth in the order, which shall be no less than sixty (60) days after the date of the order.

(3) The person may appeal the department's order under subdivision (c)(2) by filing a written notice of appeal with the department within thirty (30) days of the date on which the order is issued. If an appeal is timely filed with the department, the department shall initiate a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to hear the person's appeal.

(4) If a person fails to comply with the department's investigative request under subdivision (c)(1), or if the department reasonably believes the documents or information provided are incomplete or inaccurate, the department may initiate a contested case proceeding under the Uniform Administrative Procedures Act to compel the production of relevant documents or information and to determine whether the outdoor advertising device is being operated in violation of §§ 54-21-104 and 54-21-105 and therefore subject to enforcement action under § 54-21-106.

54-21-107. Disposition of fees.

All fees received by the commissioner under § 54-21-105 must be paid into the state treasury and placed in the highway fund for the administration of this chapter, and any fees received in excess of those administration costs shall be allocated to the department's general fund.

54-21-108. Acquisition by commissioner of outdoor advertising devices along the interstate and primary highway systems.

(a) The commissioner is authorized to acquire by purchase, gift, or condemnation, and to pay just compensation upon the removal of the following outdoor advertising devices in areas adjacent to the interstate and primary highway systems:

(1) Those lawfully in existence on April 4, 1972; and

(2) Those lawfully erected on or after April 4, 1972.

(b)

(1) Compensation is authorized to be made only for the following:

(A) The taking from the owner of the outdoor advertising device of all right, title, leasehold, and interest in the outdoor advertising device; and

(B) The taking from the owner of the real property on which the outdoor advertising device is located, of the right to erect and maintain the outdoor advertising device on the property.

(2) If funds other than federal funds are used, the state shall follow the following order of purchasing priorities:

(A) Volunteer nonconforming outdoor advertising devices;

(B) Hardship situations;

(C) Normal value signs;

(D) Signs in areas that are designated scenic or parkway;

(E) Product advertising on:

(i) Rural interstate;

(ii) Rural primary; and

(iii) Urban areas;

(F) Non-tourist-oriented directional advertising; and

(G) Tourist-oriented devices.

(3) All funds other than federal funds, acquired by the state from whatever source for the purpose of acquiring nonconforming outdoor advertising devices, must be appropriated by the general assembly to the department and shall not be earmarked for acquisitions at any particular location.

(4) Funds obtained from private sources not appropriated within one (1) year revert to the donor.

(5) Upon funds being made available, owners of outdoor advertising device must be notified of the availability of the funds for the purpose of volunteering nonconforming outdoor advertising devices for purchase by the state.

(c) Upon the request of the commissioner, the owner of the outdoor advertising devices and the owner of the property upon which the outdoor advertising device is located who are seeking compensation as provided under subdivisions (b)(1)(A) and (B) shall present evidence satisfactory to the commissioner that the outdoor advertising device in question was in existence or lawfully erected, as the case may be, on, before, or after the appropriate dates set out in subdivisions (a)(1) and (2). Except by court order, the commissioner shall not make any payment under subdivisions (b)(1)(A) and (B) until the proof has been presented. Notwithstanding this chapter, those outdoor advertising devices legally in existence on April 4, 1972, are entitled to remain in place and in use until compensation for removal has been made as provided in this section.

(d) In determining whether any outdoor advertising device is lawful or unlawful, any failure to have obtained a license or permit, or to have attached a permit, or failure to have complied with setback requirements is not a cause for declaring any outdoor advertising device unlawful. Any person having constructed, erected, operated, used, maintained, or having caused or permitted any outdoor advertising device to be

constructed, erected, operated, used, or maintained, shall pay the fee prescribed by § 54-21-105; provided, that the outdoor advertising device was erected prior to April 4, 1972.

54-21-109. Restrictions on outdoor advertising devices adjacent to state highways.

(a) Control of outdoor advertising devices is extended to outdoor advertising devices located beyond six hundred sixty feet (660') of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of the systems. The outdoor advertising devices are prohibited, regardless of whether located in commercial or industrial areas, unless they are of a class or type allowed under existing law within six hundred sixty feet (660') of the edge of the right-of-way of the systems outside of commercial or industrial areas.

(b) Those outdoor advertising signs, displays, or devices lawfully erected prior to July 1, 1976, but prohibited as of July 1, 1976, by subsection (a) shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within six hundred sixty feet (660') of the edge of the right-of-way of the federal-aid interstate and primary systems outside of commercial and industrial areas.

(c) Signs lawfully in existence on October 22, 1965, determined by the commissioner, subject to the concurrence of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

54-21-110. Damage, destruction, or removal of signs or markers on state highway system.

A person shall not affix any outdoor advertising device on any sign erected under the authority of the department, or on any right-of-way of any state highway.

54-21-111. Information for traveling public.

In order to provide information in the specific interest of the traveling public, the commissioner is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas for the purpose of informing the public of places of interest within the state and providing other information considered desirable.

54-21-112. Power of commissioner to enforce provisions; rulemaking.

The commissioner is given authority to and shall, within sixty (60) days of the effective date of this act, begin promulgating and enforcing only those rules as necessary to carry out this chapter and 23 U.S.C. § 131; provided, that the commissioner by rule shall establish procedures for accepting and resolving written complaints related to signs that are subject to this chapter. The rules must include:

(1) A process to make information available describing the department's procedures for complaint investigation and resolution, including making information about the procedures available on the department's website;

(2) A system to prioritize complaints so that the most serious complaints receive attention before less serious complaints; and

(3) A procedure for compiling and reporting detailed annual statistics about complaints.

54-21-113. Commissioner's authority to enter on property without penalty.

The commissioner and all employees under the commissioner's direction, in the performance of their functions and duties under this chapter, may enter into and upon any property, without penalty, upon which an outdoor advertising device is located and make examinations and surveys as may be relevant or dispose of the outdoor advertising device when disposal is provided for under this chapter.

54-21-114. Commissioner's authority to enter into agreement with secretary of transportation.

(a) The commissioner is authorized and directed to enter into agreements with the secretary of transportation of the United States regarding the definition of unzoned industrial and commercial areas; and regarding the size, lighting, and spacing of outdoor advertising devices that may be erected and maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way within the areas adjacent to the interstate and primary systems that are zoned industrial or commercial under the authority of state or local law, or in unzoned industrial or commercial areas that may be permitted in accordance with the terms of the agreement between the commissioner and the secretary of transportation of the United States. In any agreement entered into with the secretary of transportation, the commissioner reserves the right to renegotiate or make whatever modifications are necessary to conform to any subsequent amendments to the federal Highway Beautification Act of 1965, compiled in 23 U.S.C. §§ 131, 136, and 319. Any modification of the agreement with the United States department of transportation that the commissioner signed on or about November 11, 1971, or any subsequent agreement becomes effective only upon passage of an act authorizing the modification by the general assembly.

(b) The commissioner is authorized to execute a modification of the agreement signed on or about November 11, 1971, to change the maximum area for any one (1) outdoor advertising device from one thousand two hundred square feet (1,200 sq. ft.) to seven hundred seventy-five square feet (775 sq. ft.); to reduce the optional maximum square footage of outdoor advertising devices authorized in counties having a population greater than two hundred fifty thousand (250,000) from three thousand square feet (3,000 sq. ft.) to one thousand two hundred square feet (1,200 sq. ft.); to modify the agreement to change the minimum spacing of outdoor advertising devices on the interstate system and controlled access highways on the primary system from five hundred feet (500') to one thousand feet (1,000') where the same are not separated by buildings or other obstructions, so that only one (1) outdoor advertising device is visible from the highway at any one (1) time; to change the minimum spacing on noncontrolled

access highways on the primary system outside the corporate limits of a municipality from three hundred feet (300') to five hundred feet (500'); and to change the minimum distance from an interchange, or intersection at grade, on the interstate system or controlled access highways on the primary system, outside incorporated cities, from five hundred feet (500') to one thousand feet (1,000'). Inside the corporate limits of a municipality, the distance between signs remains one hundred feet (100'). Permits issued prior to any change authorized for outdoor advertising devices or for outdoor advertising devices subsequently erected pursuant to the permit, that meet size, lighting, spacing, and zoning criteria are unaffected.

(c) The commissioner is further authorized to change the definition of an unzoned commercial or industrial area to provide that only those areas on which there is located one (1) or more permanent structures within which a commercial or an industrial business is actively conducted, and that are equipped with all customary utilities facilities and open to the public regularly or regularly used by employees of the business as their principal work station, or that, due to the nature of the business, are equipped, staffed, and accessible to the public as is customary, may be so defined.

(d)

(1) The commissioner is authorized to execute a modification of the agreement signed on or about November 11, 1971, to change the minimum distance from an interchange, or intersection, at grade, on the interstate system or controlled access highway on the primary system, outside incorporated cities, to five hundred feet (500') when the interchange or intersection is within two thousand five hundred feet (2,500') of an interchange or intersection, at grade, of a welcome station. This distance may be measured from that side of the interstate or controlled access highway on which the outdoor advertising is to be located if a determination is made by the commissioner that there exists a geographical feature or foliage in the median of the highway that would

substantially block visibility of such outdoor advertising device from any lane of highway on the opposite side of the median.

(2) If the commissioner is formally notified by the appropriate federal offices of the United States department of transportation that as a result of any provision of this subsection (d), the state will lose federal funds or if a loss of federal funds occurs, then the provision is void and inoperative.

(3) If subsection (d) is found to be void and inoperative, or if notice is received from the United States department of transportation as provided in subdivision (d)(2), then any outdoor advertising device placed pursuant to this subsection (d) must be removed immediately by and at the expense of the owner. Failure to remove the outdoor advertising device renders the sign a public nuisance and § 54-21-106 applies. Nothing in this subsection (d) grants an absolute right in the placement of an outdoor advertising device or makes the state in any way liable under this subsection (d), if this subsection (d) is found in violation of any federal regulations as provided in subdivision (d)(2).

54-21-115. Exceptions.

This chapter does not apply to signs or markers identifying the location or depth of underground communications and power cables, water mains, gas transmission lines, and other utility facilities located within or without the boundary of the right-of-way of the interstate or primary highway systems in the state.

54-21-116. Outdoor advertising on certain interstate highways prohibited -- Penalty -- Exceptions.

No outdoor advertising device shall be erected or continued in use for the purpose of having its message read from the main traveled ways of Interstate 26 from State Route 1 in Sullivan County to State Route 67 in Washington County (formerly Interstate 181), except those portions within the boundaries of an incorporated municipality on March 3, 1994, Interstate 440 in Davidson County, Interstate 640 in Knox County, or the section of State Route 840 in Williamson County from State Route 246 to

one (1) mile from the intersection with State Route 100. Failure to comply with this section renders the outdoor advertising device a nuisance, subject to immediate disposal, removal, or destruction and subject to the civil penalty and remedies provided in § 54-21-106. Valid permits for outdoor advertising devices located along Interstate 640 in Knox County issued prior to May 13, 1982, remain valid after May 13, 1982, and the holders of the permits are permitted to construct, reconstruct, maintain, or repair the outdoor advertising devices according to the original application for which a permit was issued. Valid permits for outdoor advertising devices located along Interstate 26 from State Route 1 in Sullivan County to State Route 67 in Washington County (formerly Interstate 181), issued prior to March 3, 1994, remain valid after March 3, 1994, and the holders of the permits are permitted to construct, reconstruct, maintain, or repair the outdoor advertising devices according to the original application for which a permit was issued.

54-21-117. Vegetation control permits and fees.

(a)

(1) The commissioner shall issue to the owners or holders of lawfully issued outdoor advertising device permits, which definition includes those described as legal conforming, grandfathered, and nonconforming outdoor advertising devices in federal regulations, when the face of the outdoor advertising device is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to remove, block cut, and trim vegetation located within the right-of-way and replace the vegetation as directed, wherever the vegetation prevents clear visibility for a distance not to exceed five hundred yards (500 yds.) to occupants of vehicles using the main traveled ways of the controlled systems. Notwithstanding this chapter to the contrary, vegetation that, on the date of erection of the outdoor advertising device, blocks the view of the outdoor advertising device, in whole or in any part, for a distance not to exceed five hundred yards (500 yds.), to occupants of

vehicles using the main traveled ways, is not eligible for removal under a vegetation control permit. The maximum area to be controlled shall not exceed five hundred feet (500'). The regional engineering director for the department shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of one hundred dollars ($100) for each face involved. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars ($150) per face for supervision of the work. All fees received by the commissioner under this section shall be deposited to the highway fund for the administration of this part. Each subsequent year a maintenance permit may be purchased for fifty dollars ($50.00) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit. Vegetation permits issued pursuant to the Billboard Regulation and Control Act of 1972, compiled in this chapter as it existed prior to the effective date of this act, shall be reinstated under this act. Alternatively, the owner of the device may apply for a new vegetation control permit, and the department shall issue the permit.

(2) No later than thirty (30) days from the effective date of this act, the commissioner shall develop and make available any forms necessary to apply for a permit and shall begin accepting and considering such applications. The commissioner shall use best efforts to process an application for a permit, in accordance with the rules of the department, within no greater than thirty (30) days after a completed application is received. If the application is incomplete or defective on its face, the commissioner shall notify an applicant in writing no later than fifteen (15) days of receipt of the filed application of its incomplete or defective status, and indicate the information or documentation that is needed to complete or correct the application. If a decision to approve or deny the application cannot be made within thirty (30) days after receipt of the completed or corrected application, the commissioner shall contact the applicant prior to the

expiration of the thirty (30) days to provide an explanation of the reasons why additional time is needed to process the application. If the application is approved, the applicant shall notify the commissioner of the date on which the applicant wishes the permit to be issued. The applicant shall complete the authorized vegetation control within the time period specified in the permit, and in any event, the applicant shall complete the vegetation control within one (1) year after the date on which the application was approved or the application approval and permit is void.

(b) One (1) vegetation control permit fee must be waived for those owners who voluntarily remove a nonconforming outdoor advertising device. If the nonconforming outdoor advertising device to be removed is not at least one hundred fifty square feet (150 sq. ft.) in size, two (2) nonconforming outdoor advertising devices must be removed to authorize waiver. The latter applies only when the outdoor advertising device around which control is to occur is larger than three hundred square feet (300 sq. ft.).

(c) This waiver shall not be used as evidence in any future eminent domain proceeding relating to nonconforming outdoor advertising devices.

(d) Notwithstanding any other law to the contrary, it is the legislative intent that issuance of permits and carrying out of the work pursuant to the permits are lawful activities and shall not be construed as violating any provision of law.

(e) The commissioner may revoke, suspend, or modify any vegetation control permit for cause, including violation of any terms or conditions of the permit.

54-21-118. Unauthorized removal, cutting, or trimming of vegetation.

(a) If, before obtaining an outdoor advertising device permit and a vegetation control permit, vegetation located on the right-of-way is removed, cut, or trimmed, and application is subsequently made for an outdoor advertising permit, then the commissioner may deny the permit.

(b) If, before applying for a vegetation control permit, vegetation located on the right-of-way is removed, cut, or trimmed in the vicinity of an outdoor advertising device,

which action was reasonably calculated to afford greater visibility of the outdoor advertising device, then the commissioner may revoke the outdoor advertising device permit or permits for the affected outdoor advertising devices.

(c) Prior to invoking this section, the commissioner or the commissioner's designee shall advise the affected outdoor advertising device permit applicant or holder, whichever is appropriate, that a preliminary determination of illegality has been made. The party so advised must be given the opportunity to request a hearing to be conducted pursuant to contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, before the commissioner may make a final determination of illegality.

54-21-119. Restrictions on new outdoor advertising devices.

(a) After July 1, 2001, permits shall not be issued pursuant to this chapter for any new outdoor advertising device in which two (2) or more displays are stacked one (1) above the other. Outdoor advertising devices with two (2) or more displays stacked one (1) above the other that were legally erected on or before July 1, 2001, are unaffected by this subsection (a).

(b) The holder of a legal permit under subsection (a) may move the outdoor advertising device to a new location, if that location is otherwise eligible for a permit.

54-21-120. Changeable message signs.

(a) Changeable message signs may be double faced, back to back, or V- type signs.

(b) Changeable message signs with a digital display that meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:

(1) The message display time must remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;

(2) Video, continuous scrolling messages, and animation are prohibited; and

(3) The minimum spacing of the changeable message signs with a digital display facing the same direction of travel on the same side of the interstate system or controlled access highways is two thousand feet (2,000'); provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred square feet (100 sq. ft.) in total area, within a larger non-digital sign face is not subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d), or to any fee for a permit addendum as established in § 54-21-105(b).

(c) A person shall not erect, operate, use, or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the permit and tag, as provided in § 54-21-105. The department shall not require any additional permit under this subsection (c) for an outdoor advertising device with a digital display lawfully permitted, erected, and in operation prior to the effective date of this act.

(d) A person shall not erect, operate, use, or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. The department shall not require any addendum under this subsection (d) for an outdoor advertising device with a digital display lawfully erected and in operation prior to the effective date of this act.

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use, or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising device or in any nonconforming location.

(f) Notwithstanding any other law to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) has up to, but no more than, twelve (12) months after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign; provided, however, that prior to the expiration of this twelve-month period, and upon making application to the commissioner and paying an additional permit fee in the amount of two hundred dollars ($200), the permit holder may obtain an additional twelve (12) months within which to erect and begin displaying an outdoor advertising message on the changeable message sign. This additional two-hundred-dollar fee is separate from any annual permit renewal fee required under § 54-21-105. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within the required time, or as extended, the permit or addendum to the permit will be revoked and the changeable message sign with the digital display must be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-106.

(g) Any application for a permit or addendum for a digital display as described in this section may be made using the form for an application for permit for an outdoor advertising device existing on the effective date of this act, until a separate form is available.

(h)

(1) All changeable message signs installed on or after July 1, 2014, must come equipped with a light-sensing device that automatically adjusts the brightness in direct correlation with ambient light conditions.

(2) The brightness of light emitted from a changeable message sign must not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') for those sign faces less than or equal to three hundred square feet (300 sq. ft.), measured at a distance of two hundred feet

(200') for those sign faces greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.), measured at a distance of two hundred fifty feet (250') for those sign faces greater than three hundred eighty-five square feet (385 sq. ft.) and less than or equal to six hundred eighty square feet (680 sq. ft.), measured at a distance of three hundred fifty feet (350') for those sign faces greater than six hundred eighty square feet (680 sq. ft.), or subject to the measuring criteria in the applicable table set forth in subdivision (h)(4).

(3) Any measurements required pursuant to this subsection (h) must be taken from a point within the highway right-of-way at a safe distance from the edge of the traveled way, at a height above the roadway that approximates a motorist's line of sight, and as close to perpendicular to the face of the changeable message sign as practical. If perpendicular measurement is not practical, valid measurements may be taken at an angle up to forty-five (45) degrees from the center point of the sign face. If measurement shows a level above that prescribed in subdivision (h)(4), the exact calculations must be provided to the sign permit holder.

(4) In the event it is found not to be practical to measure a changeable message sign at the distances prescribed in subdivision (h)(2), a measurer may opt to measure the sign at any of the alternative measuring distances described in the applicable table set forth in this subdivision (h)(4). In the event the sign measurer chooses to measure the sign using an alternative measuring distance, the prescribed foot candle level above ambient light must not exceed the prescribed level, to be determined based on the alternative measuring distances set forth in the tables in subdivisions (h)(4)(A), (B), (C), and (D), as applicable. For any measuring distance between the alternative measuring distances set forth in the following tables, the prescribed foot candle level above ambient light must not exceed the interpolated level derived from the following formula:

[I2 = (D2<2>/D1<2>) x I1]

Where I1 = the prescribed foot candle level above ambient light for the measuring distance listed in the tables, I2 = the derived foot candle level above ambient light for the desired measuring distance, D1 = the desired measuring distance in feet, and D2 = the alternative measuring distance in feet listed in the tables, as follows:

(A) For changeable message signs less than or equal to three hundred square feet (300 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	0.68
125	0.43
150	0.3
200	0.17
250	0.11
275	0.09
300	0.08
325	0.06
350	0.06
400	0.04

(B) For changeable message signs greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	1.2
125	0.77
150	0.53
200	0.3
250	0.19

275	0.16
300	0.13
325	0.11
350	0.1
400	0.08

(C) For changeable message signs greater than three hundred eighty-five square feet (385 sq. ft.) but less than or equal to six hundred eighty square feet (680 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	1.88
125	1.2
150	0.83
200	0.47
250	0.3
275	0.25
300	0.21
325	0.18
350	0.15
400	0.12

(D) For changeable message signs greater than six hundred eighty square feet (680 sq. ft.):

Alternative Measuring Distance:	Prescribed Foot Candle Level:
100	3.675
125	2.35
150	1.63
200	0.92
250	0.59
275	0.49

300	0.41
325	0.35
350	0.3
400	0.23
425	0.2
450	0.18
500	0.15

(5) This subsection (h) applies to all changeable message signs located in this state operated pursuant to a permit issued by the commissioner.

54-21-121. Removal of nonconforming device that is destroyed.

A nonconforming outdoor advertising device that is destroyed is no longer permitted and must be removed, except when the outdoor advertising device is destroyed by vandalism or some other criminal or tortious act.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Dan Howell
_____
Signature of Sponsor

AMEND Senate Bill No. 2188 **House Bill No. 2255***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-17-109, is amended by deleting the section and substituting instead the following:

The following advertising structures, or parts of the structures, are excepted from the provisions of § 54-17-108:

(1) On-premises devices, as defined in § 54-21-102; provided, that:

(A) The sign face, as defined in § 54-21-102, does not exceed one hundred square feet (100 sq. ft.) in total area; and

(B) If more than one (1) on-premises device is located on the same property, the devices are located at least one thousand feet (1,000') apart along the highway frontage;

(2) Outdoor advertising devices with a sign face that does not exceed eight square feet (8 sq. ft.) in total area; provided, however, that devices located in close proximity to one another to create, create the appearance of, or function as a single sign face will be measured together as a single device for the purposes of applying this subdivision (2). This subdivision (2) does not apply to a device that:

(A) Contains any flashing, intermittent, or moving lights;

(B) Has illumination directed at any portion of the traveled way of any highway on the interstate system or primary system or is of such intensity or brilliance as to cause glare or impair the vision of a driver of a

motor vehicle or otherwise interfere with a driver's operation of a motor vehicle; or

(C) Is located or illuminated in a way that obscures or otherwise interferes with the effectiveness of any official traffic control sign, signal, or device, or interferes with a driver's view of approaching, merging, or intersecting traffic;

(3) Official signs and notices, as defined in § 54-21-102;

(4) Utility signs, as defined in § 54-21-102; and

(5) Outdoor advertising devices within the corporate limits of cities or towns.

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 17, Part 1, is amended by adding the following as a new section:

54-17-117.

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

SECTION 3. Tennessee Code Annotated, Section 54-17-206(a), is amended by deleting subdivisions (3) and (4).

SECTION 4. Tennessee Code Annotated, Section 54-17-206(b), is amended by deleting the subsection and substituting instead the following:

(b) The following advertising structures are exempt from the provisions of § 54-17-108 as applied to the Tennessee parkway system under this section:

(1) On-premises devices, as defined in § 54-21-102; provided, that:

(A) The sign face, as defined in § 54-21-102, does not exceed five hundred square feet (500 sq. ft.) in total area; and

(B) If more than one (1) device is located on the same property, the devices are located at least one thousand feet (1,000') apart along the highway frontage;

(2) Outdoor advertising devices with a sign face that does not exceed fifty square feet (50 sq. ft.) in total area, including border and trim but excluding any supporting posts or structure; provided, however, that devices located in close proximity to one another to create, create the appearance of, or function as a single sign face will be measured together as a single device for the purposes of applying this subdivision (b)(2). This subdivision (b)(2) does not apply to a device that:

(A) Contains any flashing, intermittent, or moving lights;

(B) Has illumination directed at any portion of the traveled way of any highway on the interstate system or primary system or is of such intensity or brilliance as to cause glare or impair the vision of a driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle; or

(C) Is located or illuminated in a way that obscures or otherwise interferes with the effectiveness of any official traffic control sign, signal, or device, or interferes with a driver's view of approaching, merging, or intersecting traffic;

(3) Official signs and notices, as defined in § 54-21-102;

(4) Utility signs, as defined in § 54-21-102; and

(5) Outdoor advertising devices within the corporate limits of cities or towns.

SECTION 5. Tennessee Code Annotated, Title 54, Chapter 17, Part 2, is amended by adding the following as a new section:

54-17-208.

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

SECTION 6. Tennessee Code Annotated, Section 54-21-102(2), is amended by deleting the language "an off-premise advertising device" and substituting instead "a regulated outdoor advertising device".

SECTION 7. Tennessee Code Annotated, Section 54-21-102(3), is amended by deleting the word "transportation" and substituting instead "transportation, or the commissioner's designee".

SECTION 8. Tennessee Code Annotated, Section 54-21-102(4), is amended by deleting the language "'Conforming' means an outdoor advertising device" and substituting instead the language "'Conforming device' means a regulated outdoor advertising device".

SECTION 9. Tennessee Code Annotated, Section 54-21-102(5), is amended by deleting the language "a nonconforming outdoor advertising device" and substituting instead the language "a nonconforming device".

SECTION 10. Tennessee Code Annotated, Section 54-21-102(6), is amended by deleting the language "a nonconforming outdoor advertising device" and substituting instead the language "a nonconforming device".

SECTION 11. Tennessee Code Annotated, Section 54-21-102(12), is amended by deleting the language "'Nonconforming' means an outdoor advertising device" and substituting instead the language "'Nonconforming device' means a regulated outdoor advertising device".

SECTION 12. Tennessee Code Annotated, Section 54-21-102(13), is amended by deleting the language "any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster, billboard or other thing" and substituting instead the language "any figure, painting, drawing, logo, message, or other thing".

SECTION 13. Tennessee Code Annotated, Section 54-21-102(15), is amended by deleting the language "United States Code" and substituting instead "United States Code,

including highways designated as part of the National Highway System and highways designated as part of the federal-aid primary system in existence on June 1, 1991".

SECTION 14. Tennessee Code Annotated, Section 54-21-102, is amended by adding the following as new, appropriately designated subdivisions:

( ) "Business facility" means a commercial or industrial enterprise conducted for profit within a building that has regular hours of operation on a year-round basis, together with any immediately adjacent outbuildings, parking areas, or other physical spaces arranged and designed to be used in immediate connection with the building, for the purpose of conducting the commercial or industrial enterprise; provided, however, that a commercial or industrial enterprise that is conducted in a temporary structure or a structure operated only on a seasonal basis may be considered a "business facility" for the purpose of allowing an on-premises device to be located on the same property but such on-premises device shall be allowed only on a temporary basis during the time the enterprise is in actual operation. "Business facility" does not mean:

(A) A regulated outdoor advertising device;

(B) Structures that are used to store equipment or materials used in the production, or for the storage, of crops, livestock, or forestry products;

(C) A building primarily used as a residence or residential facility, except that a residential facility operated as a commercial entity offering short-term rentals or longer-term residential leases may be considered a business facility;

(D) A public or private utility transmission facility, such as an electric or telephone pole or wire, a cellular communication tower, or a similar utility transmission facility; or

(E) Railroad tracks;

( ) "Commercial outdoor advertising device":

(A) Means an outdoor advertising device that is owned or operated by a person who receives compensation, directly or indirectly, from another person for the display of any outdoor advertising on the device; and

(B) Does not include an outdoor advertising device leased to, or operated on behalf of, a business facility or facility open to the public that is located on the same property as the device, including, but not limited to, a business facility or facility open to the public that leases space within a larger parcel of property such as a shopping mall or office park, so long as:

(i) The owner or operator of the outdoor advertising device does not receive compensation for the display of outdoor advertising from any person other than a business facility or facility open to the public that is located on the same property; and

(ii) The business facility or facility open to the public does not receive compensation from any other person for the display of outdoor advertising on the outdoor advertising device located on the same property;

( ) "Compensation" means the exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt;

( ) "Department" means the department of transportation;

( ) "Facility open to the public" means a facility other than a business facility that operates with regular hours on a year-round basis within a defined physical space, which may include a building or other structures and any immediately adjacent parking areas, that is arranged and designed to be used for the purpose of conducting an activity open to the public or providing a service to members of the public, including, but not limited to, places of worship, facilities of nonprofit or charitable organizations, educational facilities, recreational facilities, meeting halls, and government offices; provided, however, that an activity open to the public that is conducted in a temporary structure or a structure operated only on a seasonal basis may be considered a "facility open to the public" for the purpose of allowing an on-premises device to be located on the same property, but such on-premises device shall be allowed only on a temporary basis during the time the

facility open to the public is in actual operation. "Facility open to the public" does not mean:

(A) A regulated outdoor advertising device;

(B) Land used for the production of crops, livestock, or forestry products, or structures that are used to store equipment or materials used in the production, or for the storage, of crops, livestock, or forestry products;

(C) A building primarily used as a residence or residential facility;

(D) A public or private utility transmission facility, such as an electric or telephone pole or wire, a cellular communication tower, or a similar utility transmission facility; or

(E) Railroad tracks;

( ) "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility, including traffic control devices and historical markers erected or authorized by federal, state, or local government agencies;

( ) "Off-premises device" means:

(A) An outdoor advertising device that is not located within fifty feet (50') of a business facility or facility open to the public, or an outdoor advertising device that is not located on the same parcel of property and on the same side of the highway as the business facility or facility open to the public that owns or operates the device; or

(B) In the case of a larger parcel of property within which two (2) or more business facilities or facilities open to the public lease space, such as a shopping mall or office park, an outdoor advertising device that is not located within fifty feet (50') of, or which is not located on the same larger parcel of property and on the same side of the highway as, the entrance to the larger parcel of property;

( ) "On-premises device":

(A) Means:

(i) An outdoor advertising device that is located within fifty feet (50') of, and on the same parcel of property and on the same side of the highway as, the business facility or facility open to the public that owns or operates the device; or

(ii) In the case of a larger parcel of property within which two (2) or more business facilities or facilities open to the public lease space, such as a shopping mall or office park, an outdoor advertising device that is located within fifty feet (50') of, and on the same larger parcel of property and on the same side of the highway as, the entrance to the larger parcel of property; and

(B) Does not include any outdoor advertising device that is operated, in whole or part, as a commercial outdoor advertising device;

( ) "Outdoor advertising device" means:

(A) A vertical structure, commonly known as a billboard or sign, consisting of one (1) or more sign faces attached to one (1) or more poles or other upright supports, whether or not erected on a foundation permanently fixed to the ground;

(B) Any structure or object that in its location is not used for its ordinary and customary purpose as designed but is instead used to display outdoor advertising; or

(C) Any structure or object that is used to display outdoor advertising in exchange for compensation;

( ) "Regulated outdoor advertising device" means an outdoor advertising device with a sign face that exceeds fifty square feet (50 sq. ft.) in total area that is either a commercial outdoor advertising device or an off-premises device;

( ) "Residence" or "residential facility" means a stationary building with functioning utility services, together with any immediately adjacent outbuildings, parking areas, or other physical spaces arranged and designed to be used in immediate connection with such a building, for the primary purpose of providing dwelling space for single-family or multiple-family occupancy;

( ) "Sign face" means the surface area attached to an outdoor advertising device upon which outdoor advertising is displayed;

( ) "Utility signs" means warning signs, notices, or markers that are customarily erected and maintained for operational and public safety purposes by publicly or privately owned utilities, railroads, ferries, airports, or other entities that provide utility or transportation services;

( ) "Visible" means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity;

SECTION 15. Tennessee Code Annotated, Section 54-21-103, is amended by deleting the section and substituting instead the following:

(a) No regulated outdoor advertising device shall be erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems in this state, except as follows:

(1) Regulated outdoor advertising devices located in areas that are zoned industrial or commercial under authority of law and whose size, lighting, and spacing are consistent with customary use as determined by agreement between the state and the secretary of transportation of the United States;

(2) Regulated outdoor advertising devices located in unzoned commercial or industrial areas as may be determined by agreement between the state and the secretary of transportation of the United States and subject to regulations promulgated by the commissioner; and

(3) Nonconforming devices permitted in accordance with § 54-21-104 and the department's outdoor advertising regulations.

(b) The following categories of outdoor advertising are not subject to the restrictions of subsection (a):

(1) Official signs and notices;

(2) On-premises devices;

(3) Outdoor advertising devices with a sign face that does not exceed fifty square feet (50 sq. ft.) in total area, including border and trim but excluding any supporting posts or structure; provided, however, that devices located in close proximity to one another to create, create the appearance of, or function as a single sign face will be measured together as a single device for the purposes of applying this subdivision (b)(3). This subdivision (b)(3) does not apply to a device that:

(A) Contains any flashing, intermittent, or moving lights;

(B) Has illumination directed at any portion of the traveled way of any highway on the interstate system or primary system or is of such intensity or brilliance as to cause glare or impair the vision of a driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle; or

(C) Is located or illuminated in a way that obscures or otherwise interferes with the effectiveness of any official traffic control sign, signal, or device, or interferes with a driver's view of approaching, merging, or intersecting traffic;

(4) Landmark signs lawfully in existence on October 22, 1965, as authorized under 23 U.S.C. § 131 and 23 CFR § 750.710; and

(5) Utility signs.

(c) No outdoor advertising device shall be erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main

traveled way of the interstate or primary highway systems in this state that imitates or interferes with any official traffic control sign, signal, or device or attempts or appears to attempt to control or direct the movement of traffic on the traveled way of any public highway.

SECTION 16. Tennessee Code Annotated, Section 54-21-104(a)(1), is amended by deleting the language "outdoor advertising" and substituting instead "regulated outdoor advertising device".

SECTION 17. Tennessee Code Annotated, Section 54-21-104(a)(2), is amended by deleting the language "outdoor advertising device" wherever it appears and substituting instead "regulated outdoor advertising device".

SECTION 18. Tennessee Code Annotated, Section 54-21-104(a), is amended by adding the following language as a new subdivision:

(3) A regulated outdoor advertising device erected within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems between September 11, 2019, and the effective date of this act shall be required to obtain a permit and tag from the department as provided in subdivision (b)(2).

SECTION 19. Tennessee Code Annotated, Section 54-21-104(b)(2), is amended by deleting the introductory sentence of the subdivision and substituting instead the following:

If an existing regulated outdoor advertising device is made subject to this chapter under subdivision (a)(2), or is a device erected between September 11, 2019, and the effective date of this act and made subject to this chapter under subdivision (a)(3), the owner or operator of the device shall obtain a permit and tag in the same manner as provided in subdivision (b)(1) except as follows:

SECTION 20. Tennessee Code Annotated, Section 54-21-104(b)(2), is amended by deleting the language "of transportation" wherever it appears, and is further amended by deleting the language "department of transportation's" and substituting instead "department's".

SECTION 21. Tennessee Code Annotated, Section 54-21-104(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) An application for an addendum to an existing permit requesting authorization to upgrade an existing regulated outdoor advertising device to a changeable message sign with a digital display, as provided in § 54-21-122, must also be accompanied by payment of a fee of two hundred dollars ($200), which is not subject to return upon rejection of the application. No regulated outdoor advertising device with a digital display lawfully permitted, erected, and in operation prior to June 1, 2008, shall be required to apply for such an addendum or to pay the fee. An existing regulated outdoor advertising device authorized by a valid permit from the department that was effective on September 10, 2019, and has been upgraded to a changeable message sign with a digital display between September 11, 2019, and the effective date of this act shall be required to apply for an addendum to the permit in accordance with this subdivision (b)(3); provided, however, that the department shall charge an application fee in the amount of seventy dollars ($70.00) and shall process the application in the same manner as provided for an original permit under subdivisions (b)(2)(E)-(H).

SECTION 22. Tennessee Code Annotated, Section 54-21-104(b)(4), is amended by deleting the language "outdoor advertising devices" and substituting instead "regulated outdoor advertising devices".

SECTION 23. Tennessee Code Annotated, Section 54-21-104(c)(1), is amended by deleting the subdivision and substituting instead the following:

All tags issued shall be permanent; however, permits shall be renewed annually between November 1 and December 31, and the department shall charge the sum of seventy dollars ($70.00) for annual renewal of each permit. Valid permits issued or renewed by the department prior to September 11, 2019, shall remain valid after the effective date of this act, and the original application for issuance or renewal of the permit shall apply to the permit. A valid permit that was effective on September 10, 2019, shall not become invalid based on any failure to renew the permit between

November 1 and December 31, 2019, and such permit shall not be subject to renewal until the renewal period occurring after the effective date of this act.

SECTION 24. Tennessee Code Annotated, Section 54-21-104(d), is amended by deleting the language "outdoor advertising" wherever it appears and substituting instead the language "outdoor advertising device"; and is further amended by deleting the language "structure" and substituting instead the language "outdoor advertising device".

SECTION 25. Tennessee Code Annotated, Section 54-21-105(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Any person, either owner or operator, of any outdoor advertising device who has failed to act in accordance with § 54-21-103 or § 54-21-104 shall remove the outdoor advertising device immediately.

SECTION 26. Tennessee Code Annotated, Section 54-21-105(a)(2), is amended by deleting "outdoor advertising" wherever it appears and substituting instead the language "outdoor advertising device".

SECTION 27. Tennessee Code Annotated, Section 54-21-105(a)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

In addition, the commissioner has authority to assess and collect from the owner or operator a civil penalty in the amount of one hundred dollars ($100) for each calendar day that the owner or operator is in violation of § 54-21-103 or § 54-21-104. Each separate day of violation constitutes a separate offense. The assessment of the civil penalty shall be determined through a contested case hearing as set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. If the civil penalty has not been paid within thirty (30) days after entry of the final order in the contested case hearing, the commissioner may refer the matter to the attorney general and reporter to bring appropriate legal action for collection of the penalty, and the owner or operator assessed with the civil penalty shall be liable for all expenses associated with the enforcement action, including court costs and attorneys' fees.

SECTION 28. Tennessee Code Annotated, Section 54-21-105(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) If an outdoor advertising device qualifies as an on-premises device by location under § 54-21-102( )(A), but the department has reason to believe that the outdoor advertising device is being operated, in whole or part, as a commercial outdoor advertising device such that the outdoor advertising device does not meet the requirements of § 54-21-102( )(B), or the department has reason to believe that a structure or object is being used as an outdoor advertising device to display outdoor advertising in exchange for compensation, the department may issue an investigative request to the owner or operator of the outdoor advertising device, the owner of the property, or any other person for the purpose of obtaining relevant documents or information to determine whether the outdoor advertising device is being operated, in whole or in part, as a commercial outdoor advertising device.

(2) If after being served with an investigative request by the department under subdivision (c)(1), the person provides the requested documents or information and the department determines that the outdoor advertising device is being operated as a commercial outdoor advertising device in violation of § 54-21-103 or § 54-21-104, the department shall issue a written order to the owner or operator of the outdoor advertising device explaining the basis for the determination and directing the owner or operator of the device to remedy the violation by applying for the applicable outdoor advertising permit, or by removing the unlawful device, as appropriate, by the date set forth in the order, which shall be no less than sixty (60) days after the date of the order.

(3) The person may appeal the department's order under subdivision (c)(2) by filing a written notice of appeal with the department within thirty (30) days of the date on which the order is issued. If an appeal is timely filed with the department, the department shall initiate a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to hear the person's appeal.

(4) If a person fails to comply with the department's investigative request under subdivision (c)(1), or if the department reasonably believes the documents or information provided are incomplete or inaccurate, the department may initiate a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to compel the production of relevant documents or information and to determine whether the outdoor advertising device is being operated as a commercial outdoor advertising device in violation of § 54-21-103 or § 54-21-104 and therefore subject to enforcement action under this section.

SECTION 29. Tennessee Code Annotated, Section 54-21-107, is amended by deleting the section.

SECTION 30. Tennessee Code Annotated, Section 54-21-108(a), is amended by deleting the language "outdoor advertising" and substituting instead the language "outdoor advertising devices".

SECTION 31. Tennessee Code Annotated, Section 54-21-108(b), is amended by deleting the language "outdoor advertising" wherever it appears in subdivision (b)(1) and substituting instead the language "outdoor advertising device"; and by deleting the language "outdoor advertising structures" in subdivision (b)(5) and substituting instead the language "outdoor advertising devices".

SECTION 32. Tennessee Code Annotated, Section 54-21-108(c), is amended by deleting the language "outdoor advertising" wherever it appears and substituting instead the language "outdoor advertising device"; and by deleting the language "signs" and substituting instead the language "outdoor advertising devices".

SECTION 33. Tennessee Code Annotated, Section 54-21-108(d), is amended by deleting the language "sign"; and by deleting the language "outdoor advertising" wherever it appears and substituting instead the language "outdoor advertising device".

SECTION 34. Tennessee Code Annotated, Section 54-21-109(a), is amended by deleting the language "outdoor advertising signs, displays and" and substituting instead the language "regulated outdoor advertising".

SECTION 35. Tennessee Code Annotated, Section 54-21-109(a), is amended by deleting the language "extended to signs, displays and" and substituting instead the language "extended to".

SECTION 36. Tennessee Code Annotated, Section 54-21-109(a), is amended by deleting the language "The signs, displays or" and substituting instead the language "Regulated outdoor advertising".

SECTION 37. Tennessee Code Annotated, Section 54-21-109(b), is amended by deleting the language "outdoor advertising signs, displays or" and substituting instead the language "regulated outdoor advertising".

SECTION 38. Tennessee Code Annotated, Section 54-21-114(a), is amended by deleting the language "outdoor advertising" wherever it appears and substituting instead the language "outdoor advertising device".

SECTION 39. Tennessee Code Annotated, Section 54-21-114(b), is amended by deleting the language "unlawful sign" and substituting instead the language "unlawful outdoor advertising device".

SECTION 40. Tennessee Code Annotated, Section 54-21-114(b), is amended by deleting the language "dispose of the advertising" and substituting instead the language "dispose of the outdoor advertising device".

SECTION 41. Tennessee Code Annotated, Section 54-21-114(b), is amended by deleting the language "outdoor advertising sign" and substituting instead the language "outdoor advertising device".

SECTION 42. Tennessee Code Annotated, Section 54-21-115, is amended by deleting the language "upon which outdoor advertising is located" and substituting instead the language "upon which an outdoor advertising device is located".

SECTION 43. Tennessee Code Annotated, Section 54-21-115, is amended by deleting the language "dispose of the outdoor advertising" and substituting instead the language "dispose of the outdoor advertising device".

SECTION 44. Tennessee Code Annotated, Section 54-21-116(a), is amended by deleting the language "outdoor advertising" and substituting instead the language "regulated outdoor advertising devices".

SECTION 45. Tennessee Code Annotated, Section 54-21-116(b), is amended by deleting the last two sentences of the subsection.

SECTION 46. Tennessee Code Annotated, Section 54-21-116(b), is amended by deleting the language "outdoor advertising" wherever it appears and substituting instead the language "regulated outdoor advertising devices".

SECTION 47. Tennessee Code Annotated, Section 54-21-116(b), is amended by deleting the language "sign" wherever it appears and substituting instead the language "regulated outdoor advertising device"; and by deleting the language "signs" wherever it appears and substituting instead "regulated outdoor advertising devices".

SECTION 48. Tennessee Code Annotated, Section 54-21-116(d), is amended by redesignating existing subsection (d) as subdivision (d)(1) and existing subdivisions (d)(1) and (2) as subdivisions (d)(2) and (3); and by deleting the language "If subsection (d)" in the new subdivision (d)(3) and substituting instead the language "If subdivision (d)(1)"; and by deleting the language "subdivision (d)(1)" wherever it appears in the new subdivision (d)(3)" and substituting instead the language "subdivision (d)(2)"; and by deleting the language "outdoor advertising" wherever it appears in the new subdivision (d)(1) and substituting instead the language "regulated outdoor advertising device".

SECTION 49. Tennessee Code Annotated, Section 54-21-116(d)(3), is amended by deleting the language "an outdoor advertising sign" and substituting instead the language "a regulated outdoor advertising device".

SECTION 50. Tennessee Code Annotated, Section 54-21-118, is amended by deleting the language "No outdoor advertising" and substituting instead the language "No regulated outdoor advertising device".

SECTION 51. Tennessee Code Annotated, Section 54-21-118, is amended by deleting the language "render the outdoor advertising" and substituting instead the language "render the regulated outdoor advertising device".

SECTION 52. Tennessee Code Annotated, Section 54-21-118, is amended by deleting the language "structures" wherever it appears and substituting instead the language "devices".

SECTION 53. Tennessee Code Annotated, Section 54-21-119(a)(1), is amended by deleting the subdivision and substituting instead the following:

> The commissioner shall issue to the owners or holders of lawfully issued permits for regulated outdoor advertising devices, which includes those described as conforming devices and nonconforming devices, when the face of the outdoor advertising device is generally visible to occupants of vehicles from the main traveled ways of the primary system on the date of erection, permits to remove, cut, or trim vegetation located on the right-of-way adjacent to the outdoor advertising device and replace the vegetation as directed, whenever the vegetation prevents clear visibility for a distance not to exceed five hundred yards (500 yds.) to occupants of vehicles using the main traveled ways of the primary systems. Notwithstanding this chapter to the contrary, vegetation that, on the date of erection of the outdoor advertising device, blocks the view of the outdoor advertising device, in whole or in part, for a distance not to exceed five hundred yards (500 yds.), to occupants of vehicles using the main traveled ways, shall not be eligible for removal under a vegetation control permit. The maximum area of the adjacent right-of-way to be controlled shall not exceed five hundred (500) linear feet along the main traveled way of the highway. The area authorized for vegetation control may be in the form of a block cut or a wedge cut. The commissioner shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of one hundred dollars ($100) for each face involved. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars ($150) per face for supervision of the work. All fees received by the commissioner under this section shall be deposited to the highway fund for the administration of this part and for

other purposes. Each subsequent year a maintenance permit may be purchased for fifty dollars ($50.00) to provide annual maintenance at any one (1) location that is within the same linear distance and location as the original vegetation control permit. The area authorized for vegetation control under the annual maintenance permit may be in the form of a block cut or a wedge cut irrespective of the form authorized in the original vegetation control permit. The department reserves the right to limit an original vegetation control permit or annual maintenance permit to protect highway features, including slopes, or to protect environmental resources, including streams, wetlands, habitats, or particular types of vegetation.

SECTION 54. Tennessee Code Annotated, Section 54-21-119, is amended by deleting the language "nonconforming structure" in subsections (b) and substituting instead the language "nonconforming device"; and by deleting the language "nonconforming structures" in subsections (b) and (c) and substituting instead the language "nonconforming devices".

SECTION 55. Tennessee Code Annotated, Section 54-21-120(a), is amended by deleting the last sentence of the subsection.

SECTION 56. Tennessee Code Annotated, Section 54-21-120(b), is amended by deleting the language "outdoor advertising" and substituting instead the language "outdoor advertising device".

SECTION 57. Tennessee Code Annotated, Section 54-21-120(b), is amended by deleting the last sentence of the subsection.

SECTION 58. Tennessee Code Annotated, Section 54-21-121(a), is amended by deleting the language "outdoor advertising device" and substituting instead the language "regulated outdoor advertising device".

SECTION 59. Tennessee Code Annotated, Section 54-21-121(a), is amended by deleting the language "Outdoor advertising devices" and substituting instead the language "Regulated outdoor advertising devices".

SECTION 60. Tennessee Code Annotated, Section 54-21-122(b)(3), is amended by deleting the language "minimum spacing of the changeable message signs with a digital display

on the interstate system" and substituting instead "minimum spacing required between changeable message signs with a digital display facing in the same direction of travel on the same side of highways on the interstate".

SECTION 61. Tennessee Code Annotated, Section 54-21-122(b)(3), is amended by deleting the language "uses" and substituting instead "contains".

SECTION 62. Tennessee Code Annotated, Section 54-21-122(b)(3), is amended by deleting the language "to give public information, such as time, date, temperature or weather, or to provide the price of a product, the amount of a lottery prize or similar numerical information supplementing the content of a message otherwise displayed on the" and substituting instead "within a larger non-digital".

SECTION 63. Tennessee Code Annotated, Section 54-21-122(d), is amended by adding the following language at the end of the subsection:

> An existing regulated outdoor advertising device authorized by a valid permit from the department that was effective on September 10, 2019, and has been upgraded to a changeable message sign with a digital display between September 11, 2019, and the effective date of this act is required to apply for an addendum to the permit in accordance with § 54-21-104(b)(3).

SECTION 64. Tennessee Code Annotated, Section 54-21-123, is amended by deleting the language "nonconforming outdoor advertising device" and substituting instead the language "nonconforming device".

SECTION 65. Tennessee Code Annotated, Title 54, Chapter 21, is amended by adding the following as a new section:

54-21-124.

> If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to that end the provisions of this chapter are declared to be severable.

SECTION 66. This act shall take effect upon becoming a law, the public welfare requiring it.

3/2/20
11:30

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Date _____
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Clerk _____
Comm. Amdt. _____

Amendment No._____

x Esther Helton
Signature of Sponsor

AMEND Senate Bill No. 1942 **House Bill No. 1890***

by adding the following as subsection (d) in the amendatory language of Section 1:

(d) Notwithstanding § 56-7-1005, this section does not apply to:

(1) The TennCare program administered under the Medical Assistance Act of 1968, compiled in title 71, chapter 5, part 1, or any successor medicaid program;

(2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or any successor program; or

(3) The prescription drug program described in chapter 57 of this title, or any successor program.

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Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 1033 **House Bill No. 1191***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

56-7-3501.

As used in this part:

(1) "Group disability income protection policy" means a short-term or long-term group disability income protection policy instituted by an employer that:

(A) Provides income replacement benefits to an employee who is limited from working, or unable to work, for an extended period of time because of an injury or sickness; and

(B) Requires an employee covered under the policy to pay a premium; and

(2) "Reasonable time period" means at least thirty (30) days prior to, and again at least ten (10) days prior to, the initial payroll deduction of an employee's premium.

56-7-3502.

(a) An employer, as defined in § 50-1-702, may pre-enroll an employee in a group disability income protection policy and commence payroll deductions to pay a premium without obtaining affirmative agreement from an employee, if:

(1) The employer discloses to the employee the terms of the group disability income protection policy, including the benefits, exclusions, and premiums payable under the policy; and

(2) The employer provides the employee with notice of the pre-enrollment and a reasonable time period for declining coverage under the policy.

(b) The information provided in accordance with subsection (a) must:

(1) Be in clear and conspicuous language; and

(2) Describe the process by which an employee may exercise the employee's right to decline coverage.

SECTION 2. Tennessee Code Annotated, Section 67-4-2009, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) Except as provided in subdivision (b)(2), for tax years beginning on or after the effective date of this act, there shall be allowed to any taxpayer doing business in this state who has tax liability under this part a tax credit against the excise tax imposed by this part that is equal to:

(A) Thirty dollars ($30.00) per employee who is pre-enrolled in a long-term group disability income protection policy; plus

(B) Thirty dollars ($30.00) per employee who is pre-enrolled in a short-term group disability income protection policy.

(2) In no event may the tax credit described in subdivision (b)(1) equal more than sixty dollars ($60.00) per pre-enrolled employee.

(3) The credit provided in this subsection shall be allowed:

(A) On the annual tax for the year in which an employee first enrolls in a group disability income protection policy as defined in § 56-7-3501; and

(B) On the annual tax for up to two (2) subsequent years, as long as the employee maintains enrollment in the group disability income protection policy for

at least six (6) months of the year for which the credit is claimed, or, if maintained for a period shorter than six (6) months, is maintained as of the last day of the tax year for which the credit is claimed.

(4) The commissioner may conduct an audit or require the filing of additional information necessary to substantiate or adjust the amount of credit taken by a taxpayer under this subsection.

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

Amendment No. _____

_____
Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2786 House Bill No. 2575*

by deleting all language after the caption and substituting instead the following:

WHEREAS, it is the intent of the Tennessee General Assembly to work on behalf of all citizens in this state to reduce the cost of prescription drugs; and

WHEREAS, out-of-pocket costs for prescription drugs, including insulin, continue to increase at unsustainable rates, putting patients at greater risk for adverse health outcomes due to lack of access to affordable and essential medication therapies; and

WHEREAS, the Tennessee General Assembly has enacted several laws to provide greater oversight and transparency with regard to pharmacy benefits managers; and

WHEREAS, the Tennessee General Assembly recognizes that the citizens of Tennessee deserve access to affordable and essential medication therapies; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, a pharmacy benefits manager or a covered entity shall base the calculation of any coinsurance or copayment for a prescription drug or device on the net price of the drug or device. For purposes of this section, "net price" means the cost of a prescription drug or device after applying all rebates, discounts, incentives, concessions, and other reductions.

(b) Notwithstanding any law to the contrary, a pharmacy benefits manager shall not charge a covered entity an amount greater than the reimbursement paid by a

pharmacy benefits manager to a contracted pharmacy for the prescription drug or device.

SECTION 2. This act shall take effect on July 1, 2020, the public welfare requiring it, and applies to all policies or contracts entered into, renewed, amended, or delivered on or after that date.

2/26/20

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Amendment No._____

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Signature of Sponsor

AMEND Senate Bill No. 2385* **House Bill No. 2573**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1.

(a) The department of commerce and insurance shall study the feasibility of seeking a federal waiver to receive health insurance marketplace subsidy funding by means of a block grant financing arrangement. The purpose of the study is to identify any advantages or disadvantages of receiving health insurance marketplace subsidy funds through a block grant, and any effects that a block grant financing arrangement may have on the availability of health insurance for the residents of this state. The study must include, but is not limited to, an examination of the following:

(1) Possible funding mixtures that account for federal, state, and private contributions to marketplace subsidy funding;

(2) Any potential advantages or disadvantages from the establishment of a state health insurance marketplace;

(3) Guidance from the federal centers for medicare and medicaid services; and

(4) Other information pertaining to health insurance marketplace subsidies that the department deems relevant to the purpose of the study.

(b) The department of commerce and insurance may request assistance from other state agencies in conducting the study. All state agencies shall, upon request of the department of commerce and insurance, assist the department of commerce and insurance in conducting the study.

(c) The department of commerce and insurance shall report its findings and recommendations to the governor, the speaker of the senate, and the speaker of the house of representatives no later than December 31, 2020.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

3/2/2020
12:55

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Comm. Amdt. _____

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2022 **House Bill No. 2170***

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 20, is amended by deleting the part and substituting the following:

71-5-2001. Short title.

This part shall be known and may be cited as the "Annual Coverage Assessment Act of 2020."

71-5-2002. Part definitions.

As used in this part:

(1) "Annual coverage assessment" means the annual assessment imposed on covered hospitals as set forth in this part;

(2) "Annual coverage assessment base" means a covered hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2016, on file with CMS as of September 30, 2018, subject to the following qualifications:

(A) If a covered hospital does not have a full twelve-month medicare cost report for 2016 on file with CMS but has a full twelve-month cost report for a subsequent year, then the first full twelve-month medicare cost report for a year following 2016 on file with CMS is the annual coverage assessment base;

(B) If a covered hospital does not have a full twelve-month medicare cost report for 2016 on file with CMS and does not have a full

twelve-month cost report for a subsequent year but has a cost report for 2016 that covers at least nine (9) months of 2016, then the assessment base is calculated by annualizing the 2016 cost report data;

(C) If a covered hospital was first licensed in 2016 or later and did not replace an existing hospital, and if the hospital has a medicare cost report on file with CMS, then the hospital's initial cost report on file with CMS is the base for the hospital assessment. If the hospital does not have an initial cost report on file with CMS but does have a complete twelve-month joint annual report filed with the department of health, then the net patient revenue from the first twelve-month joint annual report is the annual coverage assessment base. If the hospital does not have a medicare cost report or a full twelve-month joint annual report filed with the department of health, then the annual coverage assessment base is the covered hospital's projected net patient revenue for its first full year of operation as shown in its certificate of need application filed with the health services and development agency;

(D) If a covered hospital was first licensed in 2016 or later and replaced an existing hospital, then the annual coverage assessment base is the replacement hospital's initial medicare cost report on file with CMS. If the hospital does not have a medicare cost report on file with CMS, then the hospital's annual coverage assessment base is either the predecessor hospital's net patient revenue as shown in its medicare cost report for its fiscal year that ended during calendar year 2016, or, if the predecessor hospital does not have a 2016 medicare cost report, then the cost report for the first fiscal year following 2016 on file with CMS;

(E) If a covered hospital is not required to file an annual medicare cost report with CMS, then the hospital's annual coverage assessment

base is its net patient revenue for the fiscal year ending during calendar year 2016 or the first fiscal year that the hospital was in operation after 2016 as shown in the covered hospital's joint annual report filed with the department of health; and

(F) If a covered hospital's fiscal year 2016 medicare cost report is not contained in any of the CMS healthcare cost report information system files and if the hospital does not meet any of the other qualifications listed in subdivisions (2)(A)-(E), then the hospital must submit a copy of the hospital's 2016 medicare cost report to the bureau in order to allow for the determination of the hospital's net patient revenue for the state fiscal year 2020-2021 annual coverage assessment;

(3) "Bureau" means the bureau of TennCare;

(4) "CMS" means the federal centers for medicare and medicaid services;

(5) "Controlling person" means a person who, by ownership, contract, or otherwise, has the authority to control the business operations of a covered hospital. As used in this subdivision (5), "control" means indirect or direct ownership of ten percent (10%) or more of a covered hospital;

(6) "Covered hospital" means a hospital licensed under title 33 or title 68, as of July 1, 2020, but does not include an excluded hospital;

(7) "Excluded hospital" means:

(A) A hospital that has been designated by CMS as a critical access hospital as of July 1, 2020;

(B) A mental health hospital owned by this state;

(C) A hospital providing primarily rehabilitative or long-term acute care services;

(D) A children's research hospital that does not charge patients for services beyond that reimbursed by third-party payers; and

(E) A hospital that is determined by the bureau as eligible to certify public expenditures for the purpose of securing federal medical assistance percentage payments;

(8) "Medicare cost report" means CMS-2552-10 or a subsequent form adopted by CMS for medicare cost reporting, the cost report for electronic filing of hospitals, for the period applicable as set forth in this section; and

(9) "Net patient revenue" from the medicare cost report means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported on Worksheet G-3, Column 1, Line 3, of the 2016 medicare cost report excluding long-term care inpatient ancillary and other non-hospital revenues, or, in the case of a hospital that did not file a 2016 medicare cost report, comparable data from the first complete cost report filed after 2016 by the hospital.

71-5-2003. Annual coverage assessment on covered hospitals.

(a) There is imposed on each covered hospital licensed as of July 1, 2020, an annual coverage assessment for fiscal year (FY) 2020-2021 as set forth in this part.

(b) The annual coverage assessment imposed by this part is not effective and validly imposed until the bureau has provided the Tennessee Hospital Association with written notice that includes:

(1) A determination from CMS that the annual coverage assessment is a permissible source of revenue that must not adversely affect the amount of federal financial participation in the TennCare program;

(2) Either:

(A) Approval from CMS for the distribution of the full amount of directed payments to hospitals to offset unreimbursed TennCare costs as

described in § 71-5-2005(d)(2) as long as no assessment installment is collected prior to the distribution of the installment of the directed payments; or

(B) The rules promulgated by the bureau pursuant to § 71-5-2004(j)(2); and

(3) Confirmation that all contracts between hospitals and managed care organizations comply with the hospital rate variation corridors set forth in § 71-5-161.

(c) The general assembly intends that the proceeds of the annual coverage assessment not be used as a justification to reduce or eliminate state funding to the TennCare program. The annual coverage assessment is not effective and validly imposed if the coverage or the amount of revenue available for expenditure by the TennCare program in FY 2020-2021 is less than:

(1) The governor's FY 2020-2021 recommended budget level; plus

(2) Additional appropriations made by the general assembly to the TennCare program for FY 2020-2021, except to the extent new federal funding is available to replace funds that are appropriated as described in subdivision (c)(1) and that are above the amount that the state receives from CMS under the regular federal matching assistance percentage.

(d)

(1)

(A) The general assembly intends that the proceeds of the annual coverage assessment not be used as justification for any TennCare managed care organization to implement across-the-board rate reductions to negotiated rates with covered or excluded hospitals or physicians in existence on July 1, 2020. For those rates in effect on July 1, 2020, the bureau shall include provisions in the managed care

organizations' contractor risk agreements that prohibit the managed care organizations from implementing across-the-board rate reductions to covered or excluded network hospitals or physicians by specific service, category, or type of provider. The requirements of the preceding sentence also apply to services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician, but do not apply to reductions in benefits or reimbursement for the ancillary services if the reductions:

(i) Are different from those items being funded in § 71-5-2005(d); and

(ii) Have been communicated in advance of implementation to the general assembly and the Tennessee Hospital Association.

(B)

(i) For purposes of this subsection (d), "services or settings of care that are ancillary to the primary license of a covered or excluded hospital or physician" includes all services where the physician or covered or excluded hospital, including a wholly owned subsidiary or controlled affiliate of a covered or excluded hospital or hospital system, holds more than a fifty percent (50%) controlling interest in the ancillary services or settings of care, but does not include any other ancillary services or settings of care. For across-the-board rate reductions to ancillary services or settings of care, the bureau shall include appropriate requirements for notice to providers in the managed care organizations' contractor risk agreements.

(ii) For purposes of this subsection (d), "services or settings of care that are ancillary" means, but is not limited to, ambulatory surgical facilities, free standing emergency departments, outpatient treatment clinics or imaging centers, dialysis centers, home health and related services, home infusion therapy services, outpatient rehabilitation, or skilled nursing services.

(iii) For purposes of this subsection (d), "physician" includes a physician licensed under title 63, chapter 6 or chapter 9, and a group practice of physicians that hold a contract with a managed care organization.

(2) This subsection (d) does not preclude good faith negotiations between managed care organizations and covered or excluded hospitals, hospital systems, and physicians on an individualized, case-by-case basis, nor is this subsection (d) intended by the general assembly to serve as justification for managed care organizations in this state, covered or excluded hospitals, hospital systems, or physicians to unreasonably deny any party the ability to enter into the individualized, case-by-case good faith negotiations. Good faith negotiation necessarily implies mutual cooperation between the negotiating parties and may include, but is not limited to, the right to terminate contractual agreements, the ability to modify negotiated rates, pricing, or units of service, the ability to alter payment methodologies, and the ability to enforce existing managed care techniques or to implement new managed care techniques.

(3) This subsection (d) does not preclude the full implementation of the requirements set forth in § 71-5-161.

(4) Notwithstanding this subsection (d), if CMS mandates a TennCare program change or a change is required by state or federal law that impacts

rates, and that change is required to be implemented by the managed care organizations in accordance with their contracts, or if the annual coverage assessment becomes invalid, then nothing in this part prohibits the managed care organizations from implementing any rate changes as may be mandated by the bureau or by state or federal law.

71-5-2004. Amount of annual coverage assessment — Payment — Penalty — Suspension of payments — Civil action.

(a) The annual coverage assessment established for this part is four and eighty-seven hundredths percent (4.87%) of a covered hospital's annual coverage assessment base.

(b) The annual coverage assessment must be paid in installments pursuant to this subsection (b) if the requirements of § 71-5-2003(b) have been satisfied. The bureau shall establish a schedule of four (4) equal installment payments spread as evenly as possible throughout FY 2020-2021 with each installment payment due fifteen (15) days after the FY 2020-2021 directed payments approved by CMS to offset unreimbursed TennCare costs have been made to hospitals.

(c) To facilitate collection of the annual coverage assessment, the bureau shall send each covered hospital, at least thirty (30) days in advance of each installment payment due date, a notice of payment along with a return form developed by the bureau. Failure of a covered hospital to receive a notice and return form, however, does not relieve a covered hospital from the obligation of timely payment. The bureau shall also post the return form on its website.

(d) Failure of a covered hospital to pay an installment of the annual coverage assessment, when due, results in an imposition of a penalty of five hundred dollars ($500) per day until the installment is paid in full. The bureau at its discretion may waive the penalty if the hospital establishes that it attempted to mail or electronically transfer payment to the state on or before the date the payment was due.

(e) If a covered hospital ceases to operate or changes status to be an excluded hospital after July 1, 2020, and before July 1, 2021, the hospital's total annual coverage assessment is equal to its annual coverage assessment base multiplied by a fraction, the denominator of which is the number of calendar days from July 1, 2020, until July 1, 2021, and the numerator of which is the number of days from July 1, 2020, until the date the board for licensing healthcare facilities has recorded as the date that the hospital changed status or ceased operation.

(f) If a covered hospital ceases operation prior to payment of its full annual coverage assessment, then the person controlling the hospital as of the date the hospital ceased operation is jointly and severally responsible for any remaining annual coverage assessment installments and unpaid penalties associated with previous late payments.

(g) If a covered hospital is sold after July 1, 2020 and before July 1, 2021, the seller is responsible for any annual coverage assessment payments due for the period up to and including the date the sale is final. If the hospital continues to operate in this state and continues to meet the definition of a covered hospital, then the new owner is responsible for paying all coverage assessment amounts due for the period beginning on the day after the date of the sale until July 1, 2021.

(h) If a covered hospital fails to pay an installment of the annual coverage assessment within thirty (30) days of its due date, then the bureau must suspend the payments to the hospital as required by § 71-5-2005(d)(2) or (d)(3) until the installment is paid and report the failure to the department that licenses the covered hospital. Notwithstanding any other law, failure of a covered hospital to pay an installment of the annual coverage assessment or any refund required by this part is considered a license deficiency and grounds for disciplinary action as set forth in the statutes and rules under which the covered hospital is licensed.

(i) In addition to the action required by subsection (h), the bureau is authorized to file a civil action against a covered hospital and its controlling person or persons to

collect delinquent annual coverage assessment installments, late penalties, and refund obligations established by this part. Exclusive jurisdiction and venue for a civil action authorized by this subsection (i) is in the chancery court for Davidson County.

(j)

(1) If any federal agency with jurisdiction over this annual coverage assessment determines that the annual coverage assessment is not a valid source of revenue or if there is a reduction of the coverage and funding of the TennCare program contrary to § 71-5-2003(c), or if the requirements of §§ 71-5-161 and 71-5-2003(b) are not fully satisfied, or if one (1) or more managed care organizations impose rate reductions contrary to § 71-5-2003(d), then:

(A) No subsequent installments of the annual coverage assessment are due and payable; and

(B) No further payments must be paid to hospitals pursuant to § 71-5-2005(d)(2) or (d)(3) after the date of the event.

(2)

(A) Notwithstanding this part, if CMS discontinues approval of or otherwise fails to approve the full amount of directed payments to hospitals to offset losses incurred from providing services to TennCare enrollees as authorized under § 71-5-2005(d), then the bureau must suspend any payments from or to covered hospitals otherwise required by this part and must promulgate rules that:

(i) Establish the methodology for determining the amounts, categories, and times of payments to hospitals, if any, instead of the payments that otherwise would have been paid under § 71-5-2005(d)(3) if approved by CMS;

(ii) Prioritize payments to hospitals as set forth in § 71-5-2005(d)(3);

(iii) Identify the benefits and services for which funds will be available in order to mitigate reductions or eliminations that otherwise would be imposed in the absence of the coverage assessment;

(iv) Determine the amount and timing of payments for benefits and services identified under subdivisions (j)(2)(A)(ii) and (iii) as appropriate;

(v) Reinstitute payments from or to covered hospitals as appropriate; and

(vi) Otherwise achieve the goals of this subdivision (j)(2).

(B) The rules adopted under this subdivision (j)(2) must, to the extent possible, achieve the goals of:

(i) Maximizing the amount of federal matching funds available for the TennCare program; and

(ii) Minimizing the variation between payments hospitals will receive under the rules as compared to payments hospitals would have received if CMS had approved the total payments described in § 71-5-2005(d).

(C) Notwithstanding any other law, the bureau is authorized to exercise emergency rulemaking authority to the extent necessary to meet the objectives of this subdivision (j)(2).

(3) Upon occurrence of any of the events set forth in subdivision (j)(1) or (j)(2), the bureau shall then have authority to make necessary changes to the TennCare budget to account for the loss of annual coverage assessment revenue.

(k) A covered hospital or an association representing covered hospitals, the membership of which includes thirty (30) or more covered hospitals, has the right to file a

petition for a declaratory order pursuant to § 4-5-223 to determine if there has been a failure to meet any of the requirements of this part. A covered hospital may not increase charges or add a surcharge based on, or as a result of, the annual coverage assessment.

71-5-2005. Deposits in Maintenance of Coverage Trust Fund — Expenditures — Quarterly Reports.

(a) The funds generated as a result of this part must be deposited in the maintenance of coverage trust fund created by § 71-5-160, the existence of which is continued as provided in subsection (b). The fund must not be used to replace any monies otherwise appropriated to the TennCare program by the general assembly or to replace any monies appropriated outside of the TennCare program.

(b) The maintenance of coverage trust fund must continue without interruption and must be operated in accordance with § 71-5-160 and this section.

(c) The maintenance of coverage trust fund consists of:

(1) The balance of the trust fund remaining as of June 30, 2020;

(2) All annual coverage assessments received by the bureau;

(3) Investment earnings credited to the assets of the maintenance of coverage trust fund; and

(4) Penalties paid by covered hospitals for late payment of assessment installments imposed by this part or any prior statute authorizing an annual coverage assessment.

(d) Monies credited or deposited to the maintenance of coverage trust fund, together with all federal matching funds, must be available to and used by the bureau only for expenditures in the TennCare program and include the following purposes:

(1) Expenditure for benefits and services under the TennCare program, including those that would have been subject to reduction or elimination from

TennCare funding for FY 2020-2021, except for the availability of one-time funding for that year only, as follows:

(A) Replacement of across-the-board reductions in covered and excluded hospital and professional reimbursement rates described in the governor's recommended budgets since FY 2011 except for any reductions that were included on a list for a given year but then funded in a subsequent year with recurring state dollars;

(B) Maintenance of virtual DSH fund payments and uncompensated care fund for charity care payments in accordance with, and as those payments are defined in, the TennCare 1115 demonstration waiver from CMS, to the maximum amount of the virtual DSH fund and uncompensated care fund for charity care allowed by CMS under the TennCare waiver.

(C) Maintenance of payments for graduate medical education of at least fifty million dollars ($50,000,000);

(D) Maintenance of reimbursement for medicare part A crossover claims at the lesser of one hundred percent (100%) of medicare allowable or the billed amount;

(E) Avoidance of any coverage limitations relative to the number of hospital inpatient days per year or the annual cost of hospital services for a TennCare enrollee;

(F) Avoidance of any coverage limitations relative to the number of nonemergency outpatient visits per year for a TennCare enrollee;

(G) Avoidance of any coverage limitations relative to the number of physician office visits per year for a TennCare enrollee;

(H) Avoidance of coverage limitations relative to the number of laboratory and diagnostic imaging encounters per year for a TennCare enrollee;

(I) Maintenance of coverage for occupational therapy, physical therapy, and speech therapy services;

(J) In the total amount of five hundred seven-two thousand eight hundred forty dollars ($572,840) to maintain reimbursement at the same emergency care rate as in FY 2019-2020 for nonemergent care to children twelve (12) to twenty-four (24) months of age;

(K) In the total amount of two million forty-seven thousand three hundred twenty dollars ($2,047,320) to the bureau to offset the elimination of the provision in the TennCare managed care contractor risk agreements for hospitals as follows:

CRA 2.12.9.60-Specify in applicable provider agreements that all providers who participate in the federal 340B program give TennCare MCOs the benefit of 340B pricing;

(L) In the total amount of two hundred seventy-five thousand dollars ($275,000) to offset a portion of the hospital cost of providing admissions, discharge, and transfer (ADT) messages to the TennCare bureau to support the TennCare Patient Centered Medical Home initiative;

(M) In the total amount of seven hundred fifty thousand dollars ($750,000) to provide funding for stipends for physicians and other healthcare providers who commit to work in designated medically underserved areas in this state; and

(N) In the amount of three million dollars ($3,000,000) to offset the unreimbursed cost of charity care for critical access hospitals to be funded from funds remaining in the trust fund as of June 30, 2020.

(2) Directed payments to hospitals to reduce unreimbursed costs incurred by covered hospitals in providing services to TennCare patients, as approved by CMS and as directed in subdivision (d)(3)(B).

(3)

(A) If CMS does not approve directed payments to hospitals to offset unreimbursed costs incurred in serving TennCare patients, but instead approves hospital supplemental pools in the TennCare waiver for that purpose, then payments required by this subdivision (d)(3) must be made from the allocated pools to covered hospitals to offset losses incurred in providing services to TennCare enrollees as set forth in this subdivision (d)(3) as first priority before any other supplemental payments authorized in the TennCare waiver are distributed;

(B) Directed payments to hospitals must be based on the amounts paid to covered hospitals during each quarter of FY 2020-2021. Each covered hospital is entitled to payments for FY 2020-2021 of a portion of its unreimbursed TennCare costs of providing services to TennCare enrollees. As used in this subdivision (d)(3)(B), "unreimbursed TennCare costs" means the excess of TennCare costs over TennCare net revenue. TennCare charges and net revenue are calculated using data from Schedule E, items (A)(1)(e) and (A)(1)(f) from the hospital's 2018 joint annual report (JAR) filed with the department of health. As used in this subdivision (d)(3)(B), "TennCare costs" means the quotient of a facility's cost-to-charge ratio, calculated as B(3) (total expenses) divided by A(3)(e) (total gross patient charges) from Schedule E of the 2018 JAR,

times TennCare charges. The amount of the payment to covered hospitals must be no less than forty-three and eight-tenths percent (43.80%) of unreimbursed TennCare costs for all hospitals licensed by the state that reported TennCare charges and revenue and total expenses on the 2018 joint annual report (JAR), excluding state-owned hospitals;

(C) The payments required by this subdivision (d)(3) must be made in four (4) equal installments. The bureau shall provide to the Tennessee Hospital Association a schedule showing the payments to each hospital at least seven (7) days in advance of the payments; and

(D) The payments required by this subdivision (d)(3) may be made by the bureau directly or by the TennCare managed care organizations with the direction to make payments to hospitals as required by this subsection (d). The payments to a hospital pursuant to this subdivision (d)(3) are not part of the reimbursement to which a hospital is entitled under its contract with a TennCare managed care organization;

(4) Refunds to covered hospitals based on the payment of annual coverage assessments or penalties to the bureau through error, mistake, or a determination that the annual coverage assessment was invalidly imposed; and

(5) Payments authorized under rules promulgated by the bureau pursuant to § 71-5-2004(j)(2).

(e) The bureau shall modify the contracts with TennCare managed care organizations and otherwise take action necessary to assure the use and application of the assets of the maintenance of coverage trust fund, as described in subsection (d).

(f) The bureau shall submit requests to CMS to modify the medicaid state plan, the contractor risk agreements, or the TennCare II Section 1115 demonstration project, as necessary, to implement the requirements of this part.

(g) At quarterly intervals beginning September 1, 2020, the bureau shall submit a report to the finance, ways and means committees of the senate and the house of representatives, to the health and welfare committee of the senate, and to the health committee of the house of representatives, which report must include:

(1) The status, if applicable, of the determination and approval by CMS set forth in § 71-5-2003(b) of the annual coverage assessment;

(2) The balance of funds in the maintenance of coverage trust fund; and

(3) The extent to which the maintenance of coverage trust fund has been used to carry out this part.

(h) No part of the maintenance of coverage trust fund must be diverted to the general fund or used for any purpose other than as set forth in this part.

71-5-2006. Expiration of part — Survival of certain rights and obligations.

This part expires on July 1, 2021. However, the following rights and obligations survive the expiration:

(1) The authority of the bureau to impose late payment penalties and to collect unpaid annual coverage assessments and required refunds;

(2) The rights of a covered hospital or an association of covered hospitals to file a petition for declaratory order to determine compliance with this part;

(3) The existence of the maintenance of coverage trust fund and the obligation of the bureau to use and apply the assets of the maintenance of coverage trust fund; and

(4) The obligation of the bureau to implement and maintain the requirements of § 71-5-161.

71-5-2007. Audit of expenditure of funds from maintenance of coverage trust fund.

The comptroller of the treasury may audit the expenditure of funds pursuant to this part from the maintenance of coverage trust fund. At the discretion of the comptroller of the treasury, the audit may be prepared by a certified public accountant, a public accountant, or the department of audit. Notwithstanding § 71-5-2005, the bureau of TennCare and the maintenance of coverage trust fund must bear the full costs of the audit.

SECTION 2. Tennessee Code Annotated, Section 71-5-2005(d)(1), is amended by adding the following as a new subdivision:

(O) In the total amount of fifty thousand dollars ($50,000) to fund the cost of a pilot program with the TennCare managed care organizations (MCOs) to improve care coordination for TennCare enrollees and reduce administrative burden.

SECTION 3. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. Section 1 of this act shall take effect July 1, 2020, the public welfare requiring it. Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it.