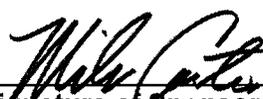


**THE ATTACHED
AMENDMENT(S)
ARE TO BILLS
THAT WILL
BE HEARD
IN COMMITTEE
THE WEEK OF**

June 8, 2020

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2381*

House Bill No. 2623

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 4 as a new part.

SECTION 2. As used in this part:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of SARS-CoV-2 or COVID-19 that is the subject of a declared public health emergency pursuant to § 58-2-107; and

(2) "Public health guidance" means any of the following:

(A) Guidance and direction provided in any plan, order, rule, or guidelines issued by:

- (i) The president of the United States;
- (ii) The federal or state government;
- (iii) A local government, as authorized by the state government;
- (iv) The federal centers for disease control and prevention;
- (v) The department of homeland security;
- (vi) An applicable federal or state occupational safety and health administration;
- (vii) The governor;
- (viii) The department of health; or



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(ix) A public health department, as authorized by state government; and

(B) Guidance from or approved by any government agency or appointed taskforce or workgroup or medical specialty society accredited by the American Board of Medical Societies that is applicable to a covered entity and healthcare provider or to the health emergency claim at issue.

SECTION 3.

(a) Notwithstanding any law to the contrary, any person who reasonably attempted to follow public health guidance related to the coronavirus, or other biological entities, is not liable for damages, injury, or death resulting from, or in connection with, coronavirus, or other biological entities, and alleged to have been caused by an act or omission of the person.

(b) Subsection (a) does not apply if the claimant proves by clear and convincing evidence that the person caused the damages, injury, or death by acting with gross negligence or willful and wanton misconduct.

(c) In an action brought under this section, no process shall issue and no answer is required unless a court finds the claimant has met the requirements of subdivisions (d)(1) and (2).

(d) In an action brought under this section, the claimant:

(1) Must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude the person did not reasonably attempt to follow public health guidance applicable to the person or that the person caused the damages, injury, or death alleged by acting with gross negligence or willful and wanton misconduct;

(2) Must file with the claim a signed written statement from a physician licensed under title 63, chapter 6 or 9, stating the physician's opinion that the person against whom the claim is alleged is the sole source of the claimant's contagion with coronavirus, or other biological entities; and

(3) Bears the burden of proof to demonstrate:

(A) The public health guidance applicable to the covered entity when the claim arose; and

(B) The specific act or omission by the person that constitutes gross negligence or willful and wanton misconduct.

SECTION 4.

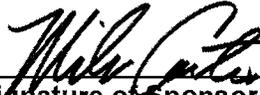
(a) This part applies to all causes of action accruing on or after March 5, 2020, the date of the first confirmed case of coronavirus reported by the department of health.

(b) This part remains in effect until January 1, 2022. Any claims in which the act or omission occurred while this part is in effect are subject to this part in perpetuity.

SECTION 5. 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 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 6. This act shall take effect upon becoming a law, the public welfare requiring it, and unless otherwise prohibited by the United States or Tennessee constitution, it is the intent of the general assembly that this act apply to all causes of action accruing on or after March 5, 2020. This act shall cease to be effective January 1, 2022.

Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2381*

House Bill No. 2623

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section:

(a) As used in this section:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of SARS-CoV-2 or COVID-19 that is the subject of a declared public health emergency pursuant to § 58-2-107; and

(2) "Person" includes a corporation, firm, company, association, or other business entity.

(b) Notwithstanding any law to the contrary, there is no cause of action against a person based on exposure to or contraction of coronavirus unless the person caused the exposure to or contraction of coronavirus by willful misconduct.

(c)

(1) This section applies to all causes of action accruing on or after the effective date of this act.

(2) This section remains in effect until January 1, 2022. Any claims that accrue while this section is in effect are subject to this section in perpetuity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it. This act shall cease to be effective January 1, 2022.

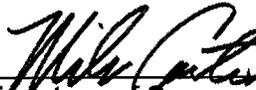


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Amendment No. _____



Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2381*

House Bill No. 2623

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 4 as a new part.

SECTION 2. As used in this part:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of SARS-CoV-2 or COVID-19 that is the subject of a declared public health emergency pursuant to § 58-2-107; and

(2) "Public health guidance" means any of the following:

(A) Guidance and direction provided in any plan, order, rule, or guidelines issued by:

- (i) The president of the United States;
- (ii) The federal or state government;
- (iii) A local government, as authorized by the state government;
- (iv) The federal centers for disease control and prevention;
- (v) The department of homeland security;
- (vi) An applicable federal or state occupational safety and health administration;
- (vii) The governor;
- (viii) The department of health; or



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(ix) A public health department, as authorized by state government; and

(B) Guidance from or approved by any government agency or appointed taskforce or workgroup or medical specialty society accredited by the American Board of Medical Societies that is applicable to a covered entity and healthcare provider or to the health emergency claim at issue.

SECTION 3.

(a) Notwithstanding any law to the contrary, any person who reasonably attempted to follow public health guidance related to the coronavirus is not liable for damages, injury, or death resulting from, or in connection with, coronavirus and alleged to have been caused by an act or omission of the person.

(b) Subsection (a) does not apply if the claimant proves by clear and convincing evidence that the person caused the damages, injury, or death by acting with gross negligence or willful and wanton misconduct.

(c) In an action brought under this section, no process shall issue and no answer is required unless a court finds the claimant has met the requirements of subdivisions (d)(1) and (2).

(d) In an action brought under this section, the claimant:

(1) Must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude the person did not reasonably attempt to follow public health guidance applicable to the person or that the person caused the damages, injury, or death alleged by acting with gross negligence or willful and wanton misconduct;

(2) Must file with the claim a signed written statement from a physician licensed under title 63, chapter 6 or 9, stating the physician's opinion that the person against whom the claim is alleged is the sole source of the claimant's contagion with coronavirus; and

(3) Bears the burden of proof to demonstrate:

(A) The public health guidance applicable to the covered entity when the claim arose, if any; and

(B) The specific act or omission by the person that constitutes gross negligence or willful and wanton misconduct.

(e) As used in this section, "person" includes a corporation, firm, company, association, or other business entity.

SECTION 4.

(a) This part applies to all causes of action accruing on or after March 5, 2020, the date of the first confirmed case of coronavirus reported by the department of health.

(b) This part remains in effect until January 1, 2022. Any claims in which the act or omission occurred while this part is in effect are subject to this part in perpetuity.

SECTION 5. 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 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 6. This act shall take effect upon becoming a law, the public welfare requiring it, and unless otherwise prohibited by the United States or Tennessee constitution, it is the intent of the general assembly that this act apply to all causes of action accruing on or after March 5, 2020. This act shall cease to be effective January 1, 2022.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2381*

House Bill No. 2623

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following new section:

(a) As used in this section:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of SARS-CoV-2 or COVID-19 that is the subject of a declared public health emergency pursuant to § 58-2-107; and

(2) "Person" includes a corporation, firm, company, association, or other business entity.

(b) Notwithstanding any law to the contrary, except as provided in subsection (c), there is no cause of action against a person based on exposure to or contraction of coronavirus unless the person caused the exposure to or contraction of coronavirus by willful misconduct.

(c) The limitation in liability provided in subsection (b) does not apply to health care liability claims brought under title 29, chapter 26, part 1, against a hospital, licensed pursuant to title 68, chapter 11, part 2, that is designated as a level I trauma center.

(d)

(1) This section applies to all causes of action accruing on or after the effective date of this act.



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(2) This section remains in effect until January 1, 2022. Any claims that accrue while this section is in effect are subject to this section in perpetuity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it. This act shall cease to be effective January 1, 2022.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

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Signature of Sponsor

AMEND Senate Bill No. 2381*

House Bill No. 2623

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 8 as a new part.

SECTION 2. This part shall be known and may be cited as the "Tennessee Recovery and Safe Harbor Act."

SECTION 3. As used in this part:

(1) "Coronavirus" means both the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, for which the governor issued Executive Order Number 14 declaring a state of emergency, including any mutation of SARS-CoV-2 or COVID-19 that is the subject of a declared public health emergency pursuant to § 58-2-107;

(2) "Covered entity" means the following entities, organizations, and any employee, volunteer, independent contractor, and subcontractor of the entity:

(A) A person, including an individual, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, or any other legal entity whether formed as a for-profit or not-for-profit entity pursuant to title 48;

(B) A healthcare provider; and

(C) A school, other than a public school as defined by § 49-6-3001(c)(3) or public institution of higher education, including a child care agency, as defined in § 71-3-501, preschool, nursery school, kindergarten, elementary school,



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secondary school, or postsecondary institution authorized or exempt under title 49, chapter 7;

(3) "Health emergency claim" means any claim that proximately arises from or is related to:

(A) The actual, alleged, or possible exposure to or contraction of coronavirus from a covered entity or arising from a covered entity's operations, products, or services, whether provided on or off the premises of the covered entity; or

(B) The covered entity's efforts to prevent or minimize the spread of coronavirus, including, but not limited to, the following:

(i) Testing;

(ii) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating coronavirus exposure or other coronavirus-related information;

(iii) Using, supplying, or servicing precautionary, diagnostic, collection, or health equipment or supplies, such as personal protective equipment; or

(iv) Altering or discontinuing activities or services;

(4) "Healthcare provider" means:

(A) A healthcare provider that is licensed, certified, or authorized under title 33, 63, or 68 to provide healthcare or support services, or that is licensed to provide healthcare services under federal law, and any support personnel employed by such provider;

(B) A student, intern, or resident acting under the supervision of a licensed healthcare provider for the discipline in which the student, intern, or resident is engaged; and

(C) Any medical or healthcare professional, individual, support personnel, or entity holding a license, registration, permit, certification, or

approval pursuant to an executive order, including a temporary emergency license, registration, permit, certification, or approval, to practice a healthcare profession or occupation in this state, including under the Public Readiness and Emergency Preparedness Act and the final version of the U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency Guidance on Essential Critical Infrastructure Workers, and any declaration of the federal department of health and human services in accordance with such act, under any emergency proclamation, order, or rule, adopted by a licensing board or agency pursuant to an authorizing emergency proclamation or executive order, or otherwise in response to the coronavirus; and

(5) "Public health guidance" means any of the following that is applicable to the covered entity:

(A) Guidance or direction provided in any plan, order, rule, or guidelines issued by:

- (i) The president of the United States;
- (ii) The federal or state government;
- (iii) A local government, as authorized by the state government;
- (iv) The federal centers for disease control and prevention;
- (v) The department of homeland security;
- (vi) An applicable federal or state occupational safety and health

administration;

- (vii) The governor;
- (viii) The department of health; or
- (ix) A public health department, as authorized by state

government; and

(B) Guidance from or approval by any government agency or appointed taskforce or workgroup or medical specialty society accredited by the American

Board of Medical Societies that is applicable to a covered entity and healthcare provider or to the health emergency claim at issue.

SECTION 4.

(a)

(1) Notwithstanding any law to the contrary, a covered entity is not liable for damages, injury, or death that results from, or in connection with, a health emergency claim unless the claimant proves by clear and convincing evidence that the covered entity caused the damages, injury, or death by acting with gross negligence or willful misconduct.

(2) In addition to the limitation of liability provided under subdivision (a)(1), and notwithstanding any law to the contrary, a healthcare provider who provides healthcare services or treatment to a patient who has or is suspected of having coronavirus is not liable for any injury or death alleged to have been caused by an act or omission of the healthcare provider during the provision of healthcare services or treatment if the act or omission resulted from or was negatively affected by a lack of resources caused by the coronavirus.

(3) If a covered entity acted in substantial compliance with any public health guidance applicable to the covered entity, there is a rebuttable presumption that the covered entity did not act in a manner that constitutes gross negligence or willful misconduct.

(b)

(1) In any action alleging a health emergency claim, the claimant must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude that the harm alleged was caused by gross negligence or willful misconduct.

(2) In any action alleging a health emergency claim as defined in Section 3(3)(A), the claimant or claimant's counsel must file a certificate of good faith with the complaint stating that the claimant or claimant's counsel has obtained a

signed written statement from a physician licensed under title 63, chapter 6 or 9, who practices in the community in which the defendant is located or in a similar community at the time of the alleged gross negligence or willful misconduct. The statement must confirm that upon information and belief, the physician believes there is a good faith basis for maintaining a health emergency claim as defined in Section 3(3)(A). The failure of a claimant to file a certificate of good faith in compliance with this subdivision (b)(2) makes, upon motion, the action subject to dismissal with prejudice.

(c) In any action brought under this section, the plaintiff bears the burden of proof to demonstrate the specific act or omission by the covered entity that constitutes gross negligence or willful misconduct.

SECTION 5. This part does not amend, repeal, or limit any immunity, defense, or right that exists under current law or any contract that applies to a covered entity in a cause of action. The limitation of liability provided by this part is intended to be in addition to any other immunity, defense, and right that exist under current law or contract.

SECTION 6. This part must be construed in conjunction with the Facilitating Business Rapid Response to State Declared Disaster Act, compiled in title 58, chapter 2, and any emergency order or proclamation issued by the governor relating to the coronavirus and civil liability.

SECTION 7. This part does not:

- (1) Create a cause of action;
- (2) Eliminate a required element of any existing cause of action;
- (3) Affect workers' compensation claims, under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or
- (4) Amend, repeal, alter, or affect any immunity or limitation of liability available under current law.

SECTION 8.

(a) This part applies to causes of action accruing on or after the effective date of this act.

(b) This part remains in effect until July 1, 2022. Any health emergency claim in which the act or omission occurred while this part is in effect is subject to this part in perpetuity.

SECTION 9. Tennessee Code Annotated, Section 29-20-205, is amended by adding the following as a new subdivision:

(10) Or in connection with any loss, illness, or injury occurring before July 1, 2022, caused directly or indirectly by the coronavirus, as defined in Section 3, or as a result of action or inaction by any governmental entity or any of the entity's employees in response to or related to the coronavirus, unless the loss, illness, or injury was caused by gross negligence or willful misconduct of the governmental entity or the entity's employees. If a governmental entity's operations were conducted in substantial compliance with public health guidance applicable to the governmental entity, the entity and the entity's employees are presumed to have been acting in a manner that was not gross negligence or willful misconduct.

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public institution of higher education is not liable for any act or omission by the institution or the institution's employees or agents that results in alleged, actual, or possible exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3.

SECTION 11. Tennessee Code Annotated, Section 9-8-307, is amended by adding the following as a new subsection:

Notwithstanding any provision of this chapter to the contrary, the state does not waive sovereign immunity for civil liability for any act or omission by the state or any employee or agent of the state that results in alleged, actual, or possible exposure to, contraction of, or illness or death arising from coronavirus, as defined in Section 3.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to causes of action accruing on or after that date. This act shall cease to be effective July 1, 2022.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 1194

House Bill No. 1309*

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 "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 intentional 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



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to cause to be made, the report required under subsection (b) with intentional 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.

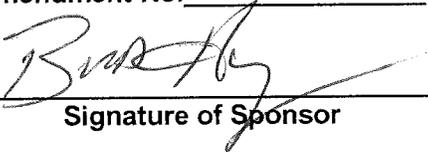
(e) This section does not prohibit prosecution under any other law.

(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).

(g) A person who knowingly makes a false allegation against a parent of failure to report a missing child as required by this section, in addition to any other penalties provided for by law, may be prosecuted for the offense of false reports under § 39-16-502, and the court may order the accuser to pay all litigation expenses, including, but not limited to, reasonable attorney's fees, discretionary costs, and other costs incurred by the wrongly accused party in defending against the false allegation.

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. _____


Signature of Sponsor

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

AMEND Senate Bill No. 1194

House Bill No. 1309*

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 "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.

(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 a reasonable time after determining that the child is missing, but in no event more than twenty-four (24) hours after determining that the child is missing. 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 intentional or reckless disregard for the safety of the minor child.

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

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



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(e) 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).

(f) A person who knowingly makes a false allegation against a parent of failure to report a missing child as required by this section, in addition to any other penalties provided for by law, may be prosecuted for the offense of false reports under § 39-16-502, and the court may order the accuser to pay all litigation expenses, including, but not limited to, reasonable attorney's fees, discretionary costs, and other costs incurred by the wrongly accused party in defending against the false allegation.

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

Amendment No. 1 to HB2665

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2886

House Bill No. 2665*

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following as a new section:

- (a) This section shall be known and may be cited as the "Personal Privacy Protection Act."
- (b) As used in this section:
- (1) "Federal agency" means the United States, the president of the United States, the Tennessee Valley authority, and any other authority, agency, instrumentality, or corporation of the United States;
 - (2) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws;
 - (3) "Nonfinancial support" means gifts of securities, real property, services, or other in-kind donations;
 - (4) "Personal information" means any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under § 501(c) of the Internal Revenue Code; and

Amendment No. 1 to HB2665

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2886

House Bill No. 2665*

(5) "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division, or other entity of this state; any political subdivision of this state, including, but not limited to, a county, county with a metropolitan form of government, city, township, village, school district, community college district, or any other local agency, authority, council, board, or commission; or any state or local court, tribunal, or other judicial or quasi-judicial body.

(c) Notwithstanding any law, and subject to subsections (e), (i), and (j), a public agency shall not:

(1) Require an individual to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Require an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the public agency with personal information of its members, supporters, volunteers, or donors, or otherwise compel the release of that personal information;

(3) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or

(4) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from

federal income tax under § 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

(d) Personal information is confidential and not an open record pursuant to title 10, chapter 7, unless a federal agency may lawfully obtain such personal information from the applicable individual or entity pursuant to federal law.

(e) This section does not preclude:

(1) A report or disclosure required by title 2, chapter 10;

(2) A report or disclosure required by title 3, chapter 6;

(3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation;

(4) A lawful warrant for personal information issued by a court of competent jurisdiction;

(5) A lawful request for discovery of personal information in litigation if the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of the personal information to any person not directly involved in the litigation;

(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 or state 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.

(f) A person alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one (1) of the following, as appropriate:

(1) A sum of money not more than two thousand five hundred dollars (\$2,500) to compensate for injury or loss caused by each violation of this section;
or

(2) For an intentional violation of this section, a sum of money not more than seven thousand five hundred dollars (\$7,500).

(g) In addition to the damages awarded under subsection (f), a court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(h) A person who knowingly violates this section commits a Class B misdemeanor.

(i) Notwithstanding subsection (c), the comptroller of the treasury or the comptroller of the treasury's designated representative shall have access to personal information for purposes of audit or investigation. The comptroller of the treasury or the comptroller of the treasury's designated representative having such access shall maintain the confidential nature of the personal information.

(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.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and shall apply to prohibited conduct occurring on or after that date.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2886

House Bill No. 2665*

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "Personal Privacy Protection Act."

(b) As used in this section:

(1) "Federal agency" means the United States, the president of the United States, the Tennessee Valley authority, and any other authority, agency, instrumentality, or corporation of the United States;

(2) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws;

(3) "Nonfinancial support" means gifts of securities, real property, services, or other in-kind donations;

(4) "Personal information" means any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under § 501(c) of the Internal Revenue Code; and



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(5) "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division, or other entity of this state; any political subdivision of this state, including, but not limited to, a county, county with a metropolitan form of government, city, township, village, school district, community college district, or any other local agency, authority, council, board, or commission; or any state or local court, tribunal, or other judicial or quasi-judicial body.

(c) Notwithstanding any law, and subject to subsections (e), (i), and (j), a public agency shall not:

(1) Require an individual to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Require an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the public agency with personal information of its members, supporters, volunteers, or donors, or otherwise compel the release of that personal information;

(3) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or

(4) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income tax under § 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

(d) Personal information is confidential and not an open record pursuant to title 10, chapter 7, unless a federal agency may lawfully obtain such personal information from the applicable individual or entity pursuant to federal law.

(e) This section does not preclude:

(1) A report or disclosure required by title 2, chapter 10;

(2) A report or disclosure required by title 3, chapter 6;

(3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation;

(4) A lawful warrant for personal information issued by a court of competent jurisdiction;

(5) A lawful request for discovery of personal information in litigation if the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of the personal information to any person not directly involved in the litigation;

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, the court shall issue a protective order barring disclosure of the personal information to any person not directly involved in the litigation;

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

(f) A person alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one (1) of the following, as appropriate:

(1) A sum of money not more than two thousand five hundred dollars (\$2,500) to compensate for injury or loss caused by each violation of this section;

or

(2) For an intentional violation of this section, a sum of money not more than seven thousand five hundred dollars (\$7,500).

(g) In addition to the damages awarded under subsection (f), a court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(h) A person who knowingly violates this section commits a Class B misdemeanor.

(i) Notwithstanding subsection (c), the comptroller of the treasury or the comptroller of the treasury's designated representative shall have access to personal information for purposes of audit or investigation. The comptroller of the treasury or the comptroller of the treasury's designated representative having such access shall maintain the confidential nature of the personal information.

(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.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and shall apply to prohibited conduct occurring on or after that date.

House Education Committee 1

Amendment No. 1 to HB2880

**White
Signature of Sponsor**

AMEND Senate Bill No. 2231*

House Bill No. 2880

by deleting Section 4 and substituting instead the following:

SECTION 4. This act shall take effect August 1, 2020, the public welfare requiring it.

Amendment No. _____
[Handwritten Signature]
Signature of Sponsor

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

AMEND Senate Bill No. 2288

House Bill No. 2102*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1309, is amended by adding the following new subdivision (e)(14):

(14) Registered students of a public institution of higher education who are:

- (A) Authorized to carry a handgun pursuant to § 39-17-1351 or § 39-17-1366;
- (B) On property owned, operated, or controlled by the public institution of higher education at which the student is registered;
- (C) Carrying the handgun in a concealed manner; and
- (D) Otherwise in compliance with state law.

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



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2437*

House Bill No. 2693

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

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting the language "§§ 39-11-611–39-11-614 or § 29-34-201," wherever it appears and substituting instead the language "§§ 39-11-611–39-11-614, § 29-34-201, or § 49-6-4107,".

SECTION 2. Tennessee Code Annotated, Section 49-6-4107, is amended by adding the following language as a new subsection:

(d) A teacher, principal, school employee, or school bus driver using reasonable force in exercising the person's lawful authority in accordance with this section is immune from civil liability arising from the person's action pursuant to § 39-11-622, unless the teacher's, principal's, school employee's, or school bus driver's conduct is the result of gross negligence, intentional harm, or willful or wanton misconduct. A person who is immune under this section is not the proximate cause of any resulting injuries.

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



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Amendment No. _____

Michael A. Curcio

Signature of Sponsor

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

AMEND Senate Bill No. 2437*

House Bill No. 2693

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

SECTION 1. Tennessee Code Annotated, Section 39-11-622, is amended by deleting the language "§§ 39-11-611–39-11-614 or § 29-34-201," wherever it appears and substituting instead the language "§§ 39-11-611–39-11-614, § 29-34-201, or § 49-6-4107,".

SECTION 2. Tennessee Code Annotated, Section 49-6-4107, is amended by adding the following language as a new subsection:

(d) A teacher, principal, school employee, or school bus driver using reasonable force in exercising the person's lawful authority in accordance with this section is immune from civil liability arising from the person's action pursuant to § 39-11-622, unless the teacher's, principal's, school employee's, or school bus driver's conduct is the result of gross negligence, intentional harm, or willful or wanton misconduct. A person who is immune under this section is not the proximate cause of any resulting injuries.

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



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 1289

House Bill No. 862*

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

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by deleting the section and substituting instead the following:

(a) By February 1 of each year, the department of safety shall report to the speakers of the senate and the house of representatives, chairs of the judiciary committees of the senate and the house of representatives, chair of the civil justice subcommittee of the house of representatives, and chair of the criminal justice subcommittee of the house of representatives, and to the public on the department's website, a report detailing, for the previous calendar year:

- (1) The total number of seizure cases opened by the department;
- (2) The race, gender, age, and zip code of property owner's residence;
- (3) The number of seizure cases in which an arrest was made at the time of seizure;
- (4) The number of arrests that occurred after the seizure notice was sent to the department of safety;
- (5) The total number of cases resulting in forfeiture;
- (6) The types of property seized under this part and the totals of each type;
- (7) The amount of currency seized;
- (8) The amount of currency forfeited;
- (9) The total number of cases which resulted in a default by the property owner;



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- (10) The total amount of currency, including the mean and median amounts, forfeited as a result of default;
- (11) The total value amount of property, including the mean and median amounts, forfeited as a result of default;
- (12)
- (A) The total number of cases which resulted in a settlement; and
 - (B) The mean and median amount of time for cases from the date opened to the date of settlement;
- (13) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;
- (14) The total value of property, including the mean and median values, forfeited as a result of settlement;
- (15) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;
- (16) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;
- (17) The total number of cases resulting in a hearing;
- (18) The total number of hearings resulting in forfeiture of assets, including:
- (A) The mean and median amounts of time for cases from the date opened to the date of forfeiture of assets as a result of a disposition by hearing; and
 - (B) The mean and median amounts of time for cases from the date opened to the date assets were returned to the property owner as a result of a disposition by hearing;
- (19) The total amount of currency, including the mean and median amounts, forfeited as a result of a disposition by hearing;

(20) The total value of property, including the mean and median values, forfeited as a result of a disposition by hearing;

(21) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of a disposition by hearing;

(22) The total value of property, including the mean and median values, returned to the property owner as a result of a disposition by hearing;

(23) The total number of cases resulting in a criminal conviction of the property owner of seized currency or property;

(24) The total amount of currency, including the mean and median amounts, forfeited in criminal conviction of property owner of currency or property;

(25) The total value of property, including the mean and median values, forfeited in criminal conviction of property owner of currency or property; and

(26) How proceeds derived from forfeited assets have been used by each individual law enforcement agency.

(b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

(c) The information reported by the department pursuant to subdivision (a)(25) and to the department pursuant to § 40-33-211(a)(2) must be made accessible to the public on the department's website through a prominent link provided on the home page.

SECTION 2. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, 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.

Amendment No. _____

Michal A. Curcio

Signature of Sponsor

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

AMEND Senate Bill No. 1289

House Bill No. 862*

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

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by deleting the section and substituting instead the following:

(a) By February 1 of each year, the department of safety shall report to the speakers of the senate and the house of representatives, chairs of the judiciary committees of the senate and the house of representatives, chair of the civil justice subcommittee of the house of representatives, and chair of the criminal justice subcommittee of the house of representatives, and to the public on the department's website, a report detailing, for the previous calendar year:

- (1) The total number of seizure cases opened by the department;
- (2) The race, gender, age, and zip code of property owner's residence;
- (3) The number of seizure cases in which an arrest was made at the time of seizure;
- (4) The number of arrests that occurred after the seizure notice was sent to the department of safety;
- (5) The total number of cases resulting in forfeiture;
- (6) The types of property seized under this part and the totals of each type;
- (7) The amount of currency seized;
- (8) The amount of currency forfeited;
- (9) The total number of cases which resulted in a default by the property owner;



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(10) The total amount of currency, including the mean and median amounts, forfeited as a result of default;

(11) The total value amount of property, including the mean and median amounts, forfeited as a result of default;

(12)

(A) The total number of cases which resulted in a settlement; and

(B) The mean and median amount of time for cases from the date opened to the date of settlement;

(13) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;

(14) The total value of property, including the mean and median values, forfeited as a result of settlement;

(15) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;

(16) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;

(17) The total number of cases resulting in a hearing;

(18) The total number of hearings resulting in forfeiture of assets, including:

(A) The mean and median amounts of time for cases from the date opened to the date of forfeiture of assets as a result of a disposition by hearing; and

(B) The mean and median amounts of time for cases from the date opened to the date assets were returned to the property owner as a result of a disposition by hearing;

(19) The total amount of currency, including the mean and median amounts, forfeited as a result of a disposition by hearing;

(20) The total value of property, including the mean and median values, forfeited as a result of a disposition by hearing;

(21) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of a disposition by hearing;

(22) The total value of property, including the mean and median values, returned to the property owner as a result of a disposition by hearing;

(23) The total number of cases resulting in a criminal conviction of the property owner of seized currency or property;

(24) The total amount of currency, including the mean and median amounts, forfeited in criminal conviction of property owner of currency or property;

(25) The total value of property, including the mean and median values, forfeited in criminal conviction of property owner of currency or property; and

(26) How proceeds derived from forfeited assets have been used by each individual law enforcement agency.

(b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

(c) The information reported by the department pursuant to subdivision (a)(25) and to the department pursuant to § 40-33-211(a)(2) must be made accessible to the public on the department's website through a prominent link provided on the home page.

SECTION 2. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, 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. 2046*

House Bill No. 2104

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new part:

38-6-301.

(a) The Tennessee violence intervention program is established within the department of finance and administration's office of criminal justice programs.

(b) The purpose of the program is to invest in effective, evidence-based violence reduction initiatives focused on the highest-risk individuals in communities disproportionately impacted by community violence.

(c) Specifically, the director of the office of criminal justice programs shall establish, advertise, and administer grants through the Tennessee violence intervention program, conduct program evaluations to determine the effectiveness of the violence intervention programs, submit and post reports to provide transparency regarding the effectiveness of the programs, and hold public forums to gather community input regarding the programs.

(d) As used in this part, "office" means the department of finance and administration's office of criminal justice programs.

38-6-302.

(a) The office shall award funds from the Tennessee violence intervention program on a competitive basis to municipalities, not-for-profit health agencies, law enforcement agencies, and nonprofit organizations that serve communities with



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disproportionately high rates and numbers of homicides and other incidents of violent crime, as determined by the office. The grants must be used to:

(1) Implement, expand, or enhance the coordination between evidence-based violence reduction initiatives, such as hospital-based violence intervention programs, street outreach programs, and focused deterrence strategies, that have demonstrated effectiveness at reducing rates of homicides and other incidents of violent crime via the provision of targeted services to victims affected by crime or violence;

(2) Support the development and delivery of intervention-based strategies by entities that provide targeted services to individuals who are victims affected by crime or violence and are at risk of being victimized by or engaging in violence, in order to interrupt cycles of violence, reinjury, and retaliation;

(3) Support initiatives that primarily target a reduction of violence among individuals who are victims affected by crime or violence and have been identified as having the highest risk of perpetrating or being victimized again by violence in the near future;

(4) Ensure that a sufficient portion of the available grant funding is provided to support programs directed at providing public awareness, outreach, assistance, or intervention services to victims of violent crime offered at community locations, such as hospitals, where individuals may be encountered in the immediate aftermath of a violent incident; and

(5) Conduct annual assessments of the needs of communities demonstrably affected by violent crime to ensure program funds are used effectively.

(b) In awarding grants, the office shall prioritize the following applicants:

(1) A not-for-profit hospital or a not-for-profit entity operating within, on behalf of, or in partnership with a hospital that operates or is applying to operate

a hospital-based or hospital-linked violence intervention program that provides services in a municipality that has a disproportionately high rate of violent crime or homicide; or

(2) Applicants operating in areas disproportionately affected by violent crime, and whose proposals demonstrate the greatest likelihood of reducing, through targeted services, the rate and number of homicides and other incidents of violent crime in the community served by the applicant without contributing to mass incarceration.

(c) Applicants may apply either independently or jointly.

(d) The amount of funds awarded to an applicant are not limited to a specific amount and must be commensurate with:

(1) Levels of violent crime in the community served by the applicant;

(2) The scope of the applicant's proposal; and

(3) The applicant's demonstrated need for additional resources to effectively reduce the rate and numbers of homicides and other incidents of violent crime in the community served by the applicant.

(e) A grantee may use the grant awarded to supplement, but not replace, funding that would otherwise be made available to address group and community violence in the grantee's community.

(f) As used in this section, "hospital-based or hospital-linked violence intervention program" means a program that is operated by a not-for-profit hospital, or by a person or entity who is contracted to operate a program within, on behalf of, or in partnership with a hospital, and that works to end cycles of violence through the provision of intensive counseling, case management, and social services to patients who are recovering from injuries resulting from violence.

38-6-303.

Application for a grant must be made in a manner and form as determined by the department of finance and administration's office of criminal justice programs. A formal notice of availability of funding must be posted prior to the time for acceptance of applications. However, at a minimum, in applying for the grant, the applicant shall provide:

(1) A description of how the applicant proposes to use the grant funds to implement an evidence-based violence reduction initiative pursuant to this part;

(2) A description of how the applicant proposes to use the grant funds to promote or improve coordination among agencies, organizations, and any already-existing violence reduction strategies or programs, in order to minimize duplication of services and achieve maximum impact;

(3) Objective evidence indicating that the applicant's proposed violence reduction initiative would likely reduce rates of homicides and other incidents of violent crime; and

(4) Clearly defined, measurable objectives for the violence reduction initiative.

38-6-304.

The office may use up to eight percent (8%) of the funds appropriated or made available, or such percentage as may be authorized under program guidelines for funding made available to the Tennessee violence intervention program through federal funding sources, for technical assistance and for the costs of implementing and administering the program, including employment of dedicated grants management and program personnel and annual program evaluation and analysis of the effectiveness of violence reduction initiatives. The office shall make these evaluations available to the public.

38-6-305.

The office shall annually hold three (3) public hearings, with one (1) hearing in each grand division of the state. The public hearings shall provide a forum to receive information on how the public funds are spent, testimony from grant award recipients on the effectiveness of their programs and best practices, and input from the public on whether the initiatives and the grant-funded programs are accomplishing their respective missions. Public input must be used to assess whether the grant-making metrics and process for issuing grants need to be revised.

38-6-306.

The office shall report on the activities of the program annually to the governor, the chief clerks of the senate and house of representatives, and the legislative librarian. The report must include a listing of the grants awarded under the program, descriptions of the initiatives and impact on the communities served through the grants, and such other information as the office deems appropriate. The report must include, but not be limited to:

- (1) A list of all grant applicants and approved grant applicants;
- (2) The amounts awarded to approved grant applicants;
- (3) The amount of matching funds and types of in-kind contributions provided by approved grant applicants; and
- (4) A status report on the activities funded by an approved grant applicant.

38-6-307.

(a) The office may seek money from the federal government, including, but not limited to, Victims of Crime Act grants, private foundations, and any other source to fund the initiative created by this part.

(b) Available federal funding under the Victims of Crime Act of 1984, 42 U.S.C. s.10601 et seq., may, to the extent permitted by federal law, be used to award grants for initiatives authorized under this part and to promote the purposes of the Tennessee

violence intervention program, which funding shall be in addition to any other funds appropriated, contributed, awarded, or otherwise provided for these purposes. The office may establish or provide for such additional conditions, limitations, and requirements on the Tennessee violence intervention program applicants and grantees as appropriate to promote the purposes of this part and to ensure that any grants relying on federal funding sources or participation are awarded in compliance with federal law.

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

Amendment No. _____
[Handwritten Signature]
Signature of Sponsor

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

AMEND Senate Bill No. 843*

House Bill No. 1424

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

SECTION 1. Tennessee Code Annotated, Section 37-1-412, is amended by deleting subsection (a) and substituting instead the following:

(a) A person who knowingly fails to make a report required by § 37-1-403(a)(3) commits a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 37-1-615(a), is amended by deleting the subsection and substituting instead the following:

(a) Any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so, commits a Class E felony.

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



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Amendment No. _____

Michael D. C.
Signature of Sponsor

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

AMEND Senate Bill No. 2273*

House Bill No. 2620

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by deleting the subdivision and substituting the following:

(B) Notwithstanding the authorized fines established in § 40-35-111, a violation of this section is punishable by a fine not to exceed fifteen thousand dollars (\$15,000), in addition to any other punishment authorized by § 40-35-111.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2273*

House Bill No. 2620

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by deleting the subdivision and substituting the following:

(B) Notwithstanding the authorized fines established in § 40-35-111, a violation of this section is punishable by a fine not to exceed fifteen thousand dollars (\$15,000), in addition to any other punishment authorized by § 40-35-111.

SECTION 2. Tennessee Code Annotated, Section 39-17-301(2)(A), is amended by deleting the language "Assembling with or joining" and substituting instead the language "Joining".

SECTION 3. Tennessee Code Annotated, Section 39-17-301(2)(B), is amended by deleting the language "Being present, aiding" and substituting instead the language "Aiding".

SECTION 4. Tennessee Code Annotated, Section 39-17-302, is amended by deleting subsection (b) and substituting instead the following:

(b) Any offender arrested for a violation of this section shall not be released within twelve (12) hours of the time of arrest.

(c) A violation of this section is a Class A misdemeanor. In any sentence imposed for a violation of this section, the court shall include a mandatory minimum sentence of thirty (30) days and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION 5. Tennessee Code Annotated, Section 39-17-303, is amended by deleting subsection (b) and substituting instead the following:



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(b) A violation of this section is a Class E felony. In any sentence imposed for a violation of this section, the court shall include an order of restitution for any injury, property damage, or loss incurred as a result of the offense.

SECTION 6. Tennessee Code Annotated, Section 39-17-304, is amended by deleting subsection (b) and substituting instead the following:

(b) Any offender arrested for a violation of this section shall not be released within twelve (12) hours of the time of arrest.

(c) A violation of this section is a Class A misdemeanor. In any sentence imposed for a violation of this section, the court shall include an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION 7. This act shall take effect August 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.

Amendment No. 1 to HB2303

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2884

House Bill No. 2303*

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

SECTION 1. Tennessee Code Annotated, Section 39-14-301(a), is amended by deleting the language "knowingly damages any structure by means of a fire or explosion" and substituting instead the following:

knowingly damages any structure or farm equipment by means of a fire or explosion

SECTION 2. Tennessee Code Annotated, Section 39-14-301, is amended by deleting subdivision (b)(2)(B); redesignating subdivision (b)(2)(A) as subdivision (b)(2); and adding the following as a new subsection (c):

(c) As used in this section:

(1) "Farm equipment" means vehicles, tools, devices, or supplies used in plowing, planting, harvesting, raising, or processing of farm products at a farm; and

(2) "Place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship.

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

Amendment No. _____
Paul Sherrell
Signature of Sponsor

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

AMEND Senate Bill No. 2884

House Bill No. 2303*

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

SECTION 1. Tennessee Code Annotated, Section 39-14-301(a), is amended by deleting the language "knowingly damages any structure by means of a fire or explosion" and substituting instead the following:

knowingly damages any structure or farm equipment by means of a fire or explosion

SECTION 2. Tennessee Code Annotated, Section 39-14-301, is amended by deleting subdivision (b)(2)(B); redesignating subdivision (b)(2)(A) as subdivision (b)(2); and adding the following as a new subsection (c):

(c) As used in this section:

(1) "Farm equipment" means any farm tractor as defined § 55-1-104(a), farm implement designed to be operated with a farm tractor, and motorized farm machinery used in the commercial production of farm products or nursery stock; and

(2) "Place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship.

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

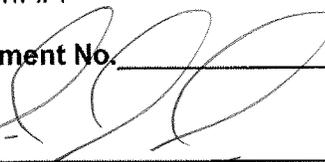


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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2742

House Bill No. 2171*

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section:

(a) Except as provided in subsection (d) or unless a report of abuse is otherwise required by law, an advocate shall not be compelled to disclose any of the following in a judicial, legislative, or administrative proceeding:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding the victim stored by the advocate in the course of business;
- (3) Counseling the victim received;
- (4) Crisis intervention services the victim received; or
- (5) The location of the shelter that accommodated the victim.

(b) The victim may waive the privilege of the communication in subsection (a) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(c) This section does not limit the defendant's right of cross-examination of the advocate in a proceeding when the advocate testifies with the written consent of the victim, or is otherwise compelled to testify by law or the court pursuant to subsection (d).



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(d) An advocate shall not disclose a confidential communication received by the advocate from a victim except:

(1) To other advocates of the victim services provider and third-party providers, with the victim's written consent, when and to the extent necessary to facilitate the delivery of services to the victim;

(2) To a law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(3) To make a report regarding child abuse or neglect as required by § 37-1-403, child sexual abuse as required by § 37-1-605, or elder abuse as required by § 39-15-509;

(4) To disclose any confidential communications relevant to a claim or defense if the victim files a lawsuit against an advocate or a victim services provider; or

(5) Upon an order of the court compelling disclosure if, upon the motion of a party, the court determines that:

(A) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding;

(B) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the advocate relationship, and the treatment services; and

(C) The information cannot be obtained by reasonable means from any other source.

(e) For purposes of this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services provider that provides services for victims

of domestic violence, sexual assault, stalking, or human trafficking who has completed a minimum of twenty (20) hours of relevant training from a victim services provider; and

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601, a victim of an offense under title 39, chapter 13, part 5, a trafficked person as defined by § 39-13-314, or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services.

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

Amendment No. _____

[Handwritten Signature]

Signature of Sponsor

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

AMEND Senate Bill No. 2742

House Bill No. 2171*

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section:

(a) Except as provided in subsection (d) or unless a report of abuse is otherwise required by law, an advocate shall not be compelled to disclose any of the following in a judicial, legislative, or administrative proceeding:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding the victim stored by the advocate in the course of business;
- (3) Counseling the victim received;
- (4) Crisis intervention services the victim received; or
- (5) The location of the shelter that accommodated the victim.

(b) The victim may waive the privilege of the communication in subsection (a) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(c) This section does not limit the defendant's right of cross-examination of the advocate in a proceeding when the advocate testifies with the written consent of the victim, or is otherwise compelled to testify by law or the court pursuant to subsection (d).



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(d) An advocate shall not disclose a confidential communication received by the advocate from a victim except:

(1) To other advocates of the victim services provider and third-party providers, with the victim's written consent, when and to the extent necessary to facilitate the delivery of services to the victim;

(2) To a law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(3) To make a report regarding child abuse or neglect as required by § 37-1-403, child sexual abuse as required by § 37-1-605, or elder abuse as required by § 39-15-509;

(4) To disclose any confidential communications relevant to a claim or defense if the victim files a lawsuit against an advocate or a victim services provider; or

(5) Upon an order of the court compelling disclosure if, upon the motion of a party, the court determines that:

(A) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding;

(B) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the advocate relationship, and the treatment services; and

(C) The information cannot be obtained by reasonable means from any other source.

(e) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim services provider that provides services for victims of

domestic violence, sexual assault, stalking, or human trafficking who has completed a minimum of twenty (20) hours of relevant training from a victim services provider;

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601, a victim of an offense under title 39, chapter 13, part 5, a trafficked person as defined by § 39-13-314, or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services; and

(3) "Victim services provider" means any office, institution, agency, or crisis center offering direct assistance to a victim and a victim's family through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling, but does not include the department of children's services, the department of human services, adult protective services bureau, offices of the district attorneys general, or law enforcement agencies except for any counseling services provided by a law enforcement agency outside of the investigative process.

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

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2674

House Bill No. 2816*

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following language as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons with two (2) or more convictions of any combination of the following offenses:

- (1) Assault, pursuant to § 39-13-101;
- (2) Aggravated assault, pursuant to § 39-13-102;
- (3) First degree murder, pursuant to § 39-13-202;
- (4) Second degree murder, pursuant to § 39-13-210;
- (5) Voluntary manslaughter, pursuant to § 39-13-211;
- (6) Abuse of an elderly or vulnerable adult, pursuant to § 39-15-510;
- (7) Aggravated abuse of an elderly or vulnerable adult, pursuant to § 39-15-511;
- (8) Child abuse or child neglect or endangerment, pursuant to § 39-15-401;
- (9) Aggravated child abuse or aggravated child neglect or endangerment, pursuant to § 39-15-402;
- (10) Domestic assault, pursuant to § 39-13-111;
- (11) Involuntary labor servitude, pursuant to § 39-13-307;
- (12) Trafficking for forced labor or services, pursuant to § 39-13-308;
- (13) Promoting the prostitution of a minor, pursuant to § 39-13-512;
- (14) Robbery, pursuant to § 39-13-401;



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(15) Aggravated robbery, pursuant to § 39-13-402;

(16) Especially aggravated robbery, pursuant to § 39-13-403;

(17) Carjacking, pursuant to § 39-13-404;

(18) Violation of an order of protection or restraining order, pursuant to § 39-13-113; or

(19) Conspiracy to commit, attempt to commit, or solicitation to commit any of the offenses listed in subdivisions (a)(1)-(18).

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and information available to the bureau from the department of correction and local law enforcement agencies. The bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, offenses requiring the person's inclusion on the registry, conviction dates, county or counties of the convictions, and a current photograph of the person. If available after reasonable inquiry, the court clerk shall provide the bureau with a copy of the person's driver license, or any other state or federal identification, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's social security number, driver license number, or any other state or federal identification number.

(d) Upon a second or subsequent conviction of any combination of the offenses described in subsection (a), the court clerk shall forward to the bureau a certified copy of each qualifying conviction and the date of birth of all persons who have two (2) or more convictions of any combination of the offenses described in subsection (a). The court clerk shall forward the information to the bureau within sixty (60) days of the date of the second or subsequent conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for the second or subsequent conviction, a person required to register

under this part must be assessed a registration fee in the amount of one thousand dollars (\$1,000), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain one hundred dollars (\$100) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year;

(2) Remit one hundred dollars (\$100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

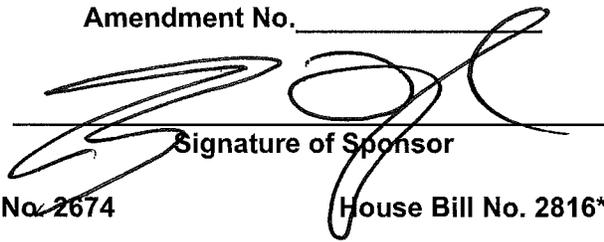
(3) Remit the remaining eight hundred dollars (\$800) to the state treasurer for deposit in a fund established pursuant to § 38-6-103(d)(1)(C) to be used by the bureau for the purpose of employing personnel, purchasing equipment and supplies, paying for the education, training, and scientific development of employees, or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part ten (10) years after the date of the most recent conviction.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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

Amendment No. _____



 Signature of Sponsor

AMEND Senate Bill No. 2674

House Bill No. 2816*

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following language as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons with two (2) or more convictions, of any combination of the following offenses:

- (1) Assault, pursuant to § 39-13-101;
- (2) Aggravated assault, pursuant to § 39-13-102;
- (3) First degree murder, pursuant to § 39-13-202;
- (4) Second degree murder, pursuant to § 39-13-210;
- (5) Voluntary manslaughter, pursuant to § 39-13-211;
- (6) Abuse of an elderly or vulnerable adult, pursuant to § 39-15-510;
- (7) Aggravated abuse of an elderly or vulnerable adult, pursuant to § 39-15-511;
- (8) Child abuse or child neglect or endangerment, pursuant to § 39-15-401;
- (9) Aggravated child abuse or aggravated child neglect or endangerment, pursuant to § 39-15-402;
- (10) Domestic assault, pursuant to § 39-13-111;
- (11) Involuntary labor servitude, pursuant to § 39-13-307;
- (12) Trafficking for forced labor or services, pursuant to § 39-13-308;
- (13) Promoting the prostitution of a minor, pursuant to § 39-13-512;
- (14) Robbery, pursuant to § 39-13-401;



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(15) Aggravated robbery, pursuant to § 39-13-402;

(16) Especially aggravated robbery, pursuant to § 39-13-403;

(17) Carjacking, pursuant to § 39-13-404;

(18) Violation of an order of protection or restraining order, pursuant to § 39-13-113; or

(19) Conspiracy to commit, attempt to commit, or solicitation to commit any of the offenses listed in subdivisions (a)(1)-(18).

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and information available to the bureau from the department of correction and local law enforcement agencies. The bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, offenses requiring the person's inclusion on the registry, conviction dates, county or counties of the convictions, and a current photograph of the person. If available after reasonable inquiry, the court clerk shall provide the bureau with a copy of the person's driver license, or any other state or federal identification, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's social security number, driver license number, or any other state or federal identification number.

(d) Upon a second or subsequent conviction of any combination of the offenses described in subsection (a), the court clerk shall forward to the bureau a certified copy of each qualifying conviction and the date of birth of all persons who have two (2) or more convictions of any combination of the offenses described in subsection (a). The court clerk shall forward the information to the bureau within sixty (60) days of the date of the second or subsequent conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for the second or subsequent conviction, a person required to register

under this part must be assessed a registration fee in the amount of one thousand dollars (\$1,000), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain one hundred dollars (\$100) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year;

(2) Remit one hundred dollars (\$100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

(3) Remit the remaining eight hundred dollars (\$800) to the state treasurer for deposit in a fund established pursuant to § 38-6-103(d)(1)(C) to be used by the bureau for the purpose of employing personnel, purchasing equipment and supplies, paying for the education, training, and scientific development of employees, or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part ten (10) years after the date of the most recent conviction.

(g) This section only applies to persons convicted of a second or subsequent offense on or after October 1, 2020.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to second or subsequent offenses committed on or after that date.

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2673

House Bill No. 2762*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting subsection (c) and substituting instead the following language:

(c) A person commits the offense of communicating a threat concerning a school if:

(1) The person knowingly communicates, directly or indirectly, singly or in concert with others, orally or in writing, including an electronically transmitted communication producing a visual message, a threat of death, serious bodily injury, or any act that would likely result in death or serious bodily injury, in regard to the premises of any school, school-sponsored event, or school bus; and

(2) The communication is made with the intent to cause such death or serious bodily injury, the intent to cause terror, the intent to cause serious public inconvenience, or with reckless disregard of the risk of causing the terror, evacuation, or serious public inconvenience.

SECTION 2. Tennessee Code Annotated, Section 39-13-114, is amended by adding the following language as a new subsection:

(d)

(1) A violation of subsection (b) is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

(2) A violation of subsection (c) is a Class D felony.

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



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Amendment No. _____
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Signature of Sponsor

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

AMEND Senate Bill No. 2673

House Bill No. 2762*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting subsection (c) and substituting instead the following language:

(c) A person commits the offense of communicating a threat concerning a school if:

(1) The person knowingly communicates, directly or indirectly, singly or in concert with others, orally or in writing, including an electronically transmitted communication producing a visual message, a threat of death, serious bodily injury, or any act that would likely result in death or serious bodily injury, in regard to the premises of any school, school-sponsored event, or school bus; and

(2) The communication is made with the intent to cause such death or serious bodily injury, the intent to cause terror, the intent to cause serious public inconvenience, or with reckless disregard of the risk of causing the terror, evacuation, or serious public inconvenience.

SECTION 2. Tennessee Code Annotated, Section 39-13-114, is amended by adding the following language as a new subsection:

(d)

(1) A violation of subsection (b) is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

(2) A violation of subsection (c) is a Class D felony.

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



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2211

House Bill No. 2126*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-519(d), is amended by deleting the language "sixty (60) days" wherever it appears and substituting instead the language "thirty (30) days".

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



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Amendment No. _____

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

Signature of Sponsor

AMEND

House Joint Resolution No. 817*

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

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II of the Constitution of Tennessee be amended by adding the following language as a new section:

The General Assembly, as representatives of the great people of Tennessee, shall have the sole authority to establish the framework, statutes, and laws regarding capital punishment, including, but not limited to, the crimes subject to this justice.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives is directed to deliver a copy of this resolution to the Secretary of State.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1992

House Bill No. 1948*

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, is amended by adding the following language as a new section:

(a) Any evidence obtained by interception of or access to a communication or by surveillance in an illegal manner by the party seeking to introduce such evidence is inadmissible in a civil proceeding. Upon motion of a party, the court shall determine whether the evidence clearly and convincingly demonstrates that the evidence sought to be introduced was obtained in an illegal manner.

(b) Notwithstanding subsection (a), in a proceeding involving child custody, the court may allow the evidence to be admitted if the court finds that the probative value of the evidence outweighs the danger of unfair prejudice and consideration of the evidence is in the best interest of the child.

(c) As used in this section, "illegal manner" means a manner that is in violation of § 39-14-405; title 39, chapter 13, part 6; or title 40, chapter 6, part 3.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and is repealed on July 1, 2025.



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2292*

House Bill No. 2492

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

SECTION 1. Tennessee Code Annotated, Section 70-6-101(c), is amended by deleting the subsection and substituting instead the following:

(c) This section does not permit search or inspection of a person's dwelling, place of business, or interior of an automobile without a search warrant.

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



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 755*

House Bill No. 989

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(27), is amended by adding the following new subdivision:

() Knowingly or with negligence allowing a child to be within a structure where a Schedule I or Schedule II controlled substance listed in title 39, chapter 17, part 4, is present and accessible to the child;

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



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Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 755*

House Bill No. 989

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(27), is amended by adding the following new subdivision:

() Knowingly or with negligence allowing a child to be within a structure where a Schedule I or Schedule II controlled substance listed in title 39, chapter 17, part 4, is present and accessible to the child;

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



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Amendment No. _____


Signature of Sponsor

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

AMEND Senate Bill No. 2420*

House Bill No. 2771

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1317(l)(1), is amended by deleting the language "other firearms, ammunition, or body armor suitable for use by the law enforcement agency or drug task force" and substituting instead the following:

other firearms, ammunition, body armor, or equipment suitable for use for legitimate law enforcement purposes by the law enforcement agency

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



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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2452

House Bill No. 2539*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

(i)

(1) When sentencing a criminal defendant, a general sessions court may direct the defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.

(2) If the victim chooses to receive restitution in the form of a civil judgment, then the court shall enter a civil order for restitution, if appropriate.

The civil order for restitution:

(A) Is entitled to be enforced the same as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state; and

(B) Is a final civil judgment at the time of entry and remains in effect from the date of entry until the judgment is paid in full or is otherwise discharged.

(3) If the victim chooses to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the



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restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in subsection (h).

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

Amendment No. _____

Michael A. Curcio

Signature of Sponsor

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

AMEND Senate Bill No. 2452

House Bill No. 2539*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

(i)

(1) When sentencing a criminal defendant, a general sessions court may direct the defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.

(2) If the victim chooses to receive restitution in the form of a civil judgment, then the court shall enter a civil order for restitution, if appropriate.

The civil order for restitution:

(A) Is entitled to be enforced the same as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state; and

(B) Is a final civil judgment at the time of entry and remains in effect from the date of entry until the judgment is paid in full or is otherwise discharged.

(3) If the victim chooses to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the



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restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in subsection (h).

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

Amendment No. 017891


Signature of Sponsor

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

AMEND Senate Bill No. 2452

House Bill No. 2539*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

- (i)
 - (1) When sentencing a criminal defendant, a general sessions court may direct the defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.
 - (2) If the victim chooses to receive restitution in the form of a civil judgment, then the court shall enter a civil order for restitution, if appropriate. The civil order for restitution:
 - (A) Is entitled to be enforced the same as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state; and
 - (B) Is a final civil judgment at the time of entry and remains in effect from the date of entry until the judgment is paid in full or is otherwise discharged.
 - (3) If the victim chooses to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the



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restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in subsection (h).

SECTION 2. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (d) and substituting instead the following:

(d) In determining the amount and method of payment or other restitution, the court may consider the financial resources and future ability of the defendant to pay or perform.

SECTION 3. 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. 2460

House Bill No. 2540*

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

SECTION 1. Tennessee Code Annotated, Section 40-24-105(a), is amended by deleting the last sentence of the subsection and substituting instead the following:

The following shall be the allocation formula for moneys paid into court: the first moneys paid in any case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

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

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

AMEND Senate Bill No. 2460

House Bill No. 2540*

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

SECTION 1. Tennessee Code Annotated, Section 40-24-105(a), is amended by deleting the last sentence of the subsection and substituting instead the following:

The following shall be the allocation formula for moneys paid into court: the first moneys paid in any case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes, and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

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



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2614

House Bill No. 2536*

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following language as a new section:

(a) It is a violation of an individual's civil rights for a government entity, official, employee, or agent to infringe upon or deny an individual the full exercise and enjoyment of any right recognized and protected by Article I, Section 26, of the Tennessee Constitution or any right recognized and protected by the second amendment to the United States Constitution. It is not a violation of this section for a government entity, official, employee, or agent to enforce laws or regulations within the scope of the entity, official, employee, or agent's authority unless the law or regulation has been determined by a court to violate either the Tennessee or United States Constitutions.

(b) A violation of this section may be enforced by means of a civil action, which may be brought:

- (1) In the county in which the action arose; or
- (2) If the action is brought against a state official, in the chancery court of Davidson County.

(c) A violation of this section by a government official, employee, or agent may also be punished as official oppression pursuant to § 39-16-403.

(d) A governmental entity, official, employee, or agent that violates this section is liable for:



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(1) The actual damages caused by the violation or statutory damages of two hundred fifty dollars (\$250) per each day of the violation, whichever is greater;

(2) Notwithstanding § 29-39-104, punitive damages to be determined by the trier of fact; and

(3) Reasonable attorney's fees and court costs.

(e) A governmental entity, official, employee, or agent that commits an act or engages in any pattern or practice in violation of this section may be enjoined from further violations by a court of competent jurisdiction.

(f) An action for injunction under subsection (e) may be brought by:

(1) A person whose rights have been violated;

(2) An entity that engages in advocacy for the protection and furtherance of said rights; or

(3) Any other person or entity that will fairly and adequately represent the interests of those whose rights are protected by the state or federal constitutions as set forth in subsection (a).

(g) A knowing or willful violation of this section by a government official constitutes grounds for ouster under title 8, chapter 47.

(h) This section does not preclude any person or entity from seeking any remedies, penalties, or procedures otherwise provided by law.

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

it.

Amendment No. _____

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

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.



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(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.

Amendment No. _____


Signature of Sponsor

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

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 who is discharging or attempting to discharge their official duties, or because of the victim's status as 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 who is discharging or attempting to discharge their official duties, or because of the victim's status as 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.



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(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars (\$1,000), and 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 who is discharging or attempting to discharge their official duties, or because of the victim's status as 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 who is discharging or attempting to discharge their official duties, or because of the victim's status as 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 fine of one thousand dollars (\$1,000), and 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 court shall order collection of the fine, or a portion of the fine if the full amount is unavailable, from the inmate's trust fund account pursuant to § 40-25-143. The court shall not order collection in an amount that would result in a balance of less than fifty dollars (\$50.00) in the inmate's trust fund account. 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. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by inserting the language "the minimum fine shall be one thousand dollars (\$1,000), if the court determines the defendant has the ability to pay the fine, and" immediately after the language "However,".

SECTION 4. This act shall take effect January 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Michael D. ...

Signature of Sponsor

AMEND Senate Bill No. 2397

House Bill No. 2458*

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 1, is amended by adding the following as a new section:

- (a) This section may be cited as the "Stop Social Media Censorship Act."
- (b) As used in this section:
 - (1) "Algorithm" means a set of instructions designed to perform a specific task;
 - (2) "Hate speech" means a phrase concerning content that an individual finds offensive based on the individual's personal moral code;
 - (3) "Obscene" means that an average person, applying contemporary community standards, would find that, taken as a whole, the dominant theme of the material appeals to prurient interests;
 - (4) "Political speech" means speech relating to the state, government, body politic, or public administration as it relates to governmental policymaking. The term includes speech by the government or a candidate for office and any discussion of social issues. The term does not include speech concerning the administration, law, or civil aspects of government;
 - (5) "Religious speech" means a set of unproven answers, truth claims, faith-based assumptions, and naked assertions that attempt to explain such greater questions as how the world was created, what constitutes right and wrong actions by humans, and what happens after death; and



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(6) "Social media website" means an internet website or application that enables users to communicate with each other by posting information, comments, messages, or images and that:

(A) Is open to the public;

(B) Has more than seventy-five million (75,000,000) subscribers;

and

(C) From its inception, has not been specifically affiliated with any religion or political party.

(c)

(1) The owner or operator of a social media website who contracts with a social media website user in this state is subject to a private right of action by such user if the social media website purposely:

(A) Deletes or censors the user's religious speech or political speech; or

(B) Uses an algorithm to disfavor or censure the user's religious speech or political speech.

(2) A court may award a social media website user who prevails in an action under this section:

(A) A minimum of seventy-five thousand dollars (\$75,000) in statutory damages per purposeful violation of subdivision (c)(1);

(B) Actual damages;

(C) If aggravating factors are present, punitive damages; and

(D) Other forms of equitable relief.

(3) The prevailing party in a cause of action under this section may be awarded costs and reasonable attorney fees.

(4) A social media website that restores from deletion or removes the censoring of a social media website user's speech in a reasonable amount of time may use that fact to mitigate any damages.

(d) A social media website may not use the social media website user's alleged hate speech as a basis for justification or defense of the social media website's actions at trial.

(e) The attorney general and reporter may also bring a civil cause of action under this section on behalf of a social media website user who resides in this state and whose religious speech or political speech has been censored by a social media website.

(f) This section does not apply to any of the following:

(1) A social media website that deletes or censors a social media website user's speech or that uses an algorithm to disfavor or censure speech that:

(A) Calls for immediate acts of violence;

(B) Is obscene or pornographic in nature;

(C) Is the result of operational error;

(D) Is the result of a court order;

(E) Comes from an inauthentic source or involves false personation;

(F) Entices criminal conduct; or

(G) Involves minors bullying minors; or

(2) A social media website user's censoring of another social media website user's speech.

(g) Only social media website users who are eighteen (18) years of age or older have standing to seek enforcement under this section.

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

Amendment No. _____

Michael D. C.

Signature of Sponsor

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

AMEND Senate Bill No. 1566

House Bill No. 1553*

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 language as a new subsection (g):

(g)

(1) It is an exception to the application of subdivision (a) if a person:

(A) Is legally in possession of the firearm; and

(B) Is not prohibited from purchasing a firearm in the person's state of residence.

(2) A person who meets the elements of subsection (g)(1) is entitled to the same defenses and exceptions as a person who has been issued a handgun carry permit pursuant to § 39-17-1351, for purposes of any offenses in this part; title 50, chapter 3; or title 70.

SECTION 2. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the language "It is a defense to the application" in subsection (a) and substituting the language "It is an exception to the application".

SECTION 3. Tennessee Code Annotated, Section 39-17-1308(a)(10), is amended by deleting the word "defense" and substituting the word "exception".

SECTION 4. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting the word "defenses" in subsection (b) and substituting the word "exceptions".

SECTION 5. This act shall take effect October 1, 2020, the public welfare requiring it.



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Amendment No. _____

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Clerk _____
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Signature of Sponsor

AMEND Senate Bill No. 1722*

House Bill No. 2368

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

SECTION 1. Tennessee Code Annotated, Section 39-14-105(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3)

(A) A Class D felony if the value of the property or services obtained is two thousand five hundred dollars (\$2,500) or more but less than ten thousand dollars (\$10,000); and

(B) Notwithstanding subdivision (a)(1) or (2), a Class D felony if:

(i) The value of the property obtained is less than ten thousand dollars (\$10,000);

(ii) The property obtained is a firearm as defined in § 39-11-106; and

(iii) The property was obtained from a law enforcement vehicle;

SECTION 2. Tennessee Code Annotated, Section 39-14-105(d), is amended by deleting the language "Notwithstanding subsection (a), theft" and substituting instead "Theft".

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



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Amendment No. _____

Michael D. C.

Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2829

House Bill No. 2900*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-302, is amended by deleting subsection (j) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 3, is amended by adding the following as a new section:

A judge shall, at the time of sentencing, notify a person convicted of an offense that is eligible for expunction of:

- (1) The person's eligibility to have all public records of the conviction destroyed in the manner set forth in § 40-32-101; and
- (2) The time period after which the person can petition for expunction of the offense.

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



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Amendment No. _____

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Clerk _____
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Signature of Sponsor

AMEND Senate Bill No. 2447

House Bill No. 1577*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following new subsections:

() If the magistrate determines that the use of a global positioning monitoring system is an appropriate condition of release, the magistrate may order such use in lieu of requiring bail for the defendant.

() The administrative office of the courts shall:

(1) Develop a standardized, centralized system of collecting, maintaining, and sharing program-relevant data;

(2) Review policies and procedures to develop common sets for participating agencies to clarify expectations and roles; and

(3) Hire a global positioning monitoring system program manager to:

(A) Manage the daily operations and streamline the attachment and removal process, handle the logistics of device maintenance, storage, inventory, distribution, attachments, and removals;

(B) Provide regular training opportunities and encourage staff participation;

(C) Partner with law enforcement agencies with responsibility for real-time tracking, responding to violations, issuing warrants, making arrests, and assisting victim service agencies with victim participants;



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(D) Engagement with agencies that provide services to victims to close the feedback loop with respect to service provision for victims whose offenders are in the program and to encourage victim participation; and

(E) Create community outreach to encourage victim participation.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(c), is amended by deleting the subsection and substituting instead the following:

The defendant's presence in a location in which the magistrate prohibited the defendant going to or near is a violation of the conditions of bond and may result in revocation of the defendant's bond.

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

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

Michael A. Curcio

 Signature of Sponsor

AMEND Senate Bill No. 2447

House Bill No. 1577*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following new subsections:

() If the magistrate determines that the use of a global positioning monitoring system is an appropriate condition of release, the magistrate may order such use in lieu of requiring bail for the defendant.

() The administrative office of the courts shall:

(1) Develop a standardized, centralized system of collecting, maintaining, and sharing program-relevant data;

(2) Review policies and procedures to develop common sets for participating agencies to clarify expectations and roles; and

(3) Hire a global positioning monitoring system program manager to:

(A) Manage the daily operations and streamline the attachment and removal process, handle the logistics of device maintenance, storage, inventory, distribution, attachments, and removals;

(B) Provide regular training opportunities and encourage staff participation;

(C) Partner with law enforcement agencies with responsibility for real-time tracking, responding to violations, issuing warrants, making arrests, and assisting victim service agencies with victim participants;



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(D) Engagement with agencies that provide services to victims to close the feedback loop with respect to service provision for victims whose offenders are in the program and to encourage victim participation; and

(E) Create community outreach to encourage victim participation.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(c), is amended by deleting the subsection and substituting instead the following:

The defendant's presence in a location in which the magistrate prohibited the defendant going to or near is a violation of the conditions of bond and may result in revocation of the defendant's bond.

SECTION 3. This act shall take effect October 1, 2020, 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. 2447

House Bill No. 1577*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following new subsection:

() If the magistrate determines that the use of a global positioning monitoring system is an appropriate condition of release, the magistrate may order such use in lieu of requiring bail for the defendant.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(c), is amended by deleting the subsection and substituting instead the following:

The defendant's presence in a location in which the magistrate prohibited the defendant going to or near is a violation of the conditions of bond and may result in revocation of the defendant's bond.

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



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Amendment No. _____

Signature of Sponsor

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AMEND Senate Bill No. 2362

House Bill No. 2395*

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

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(A)(ii) and substituting instead the following:

(ii) Probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(2)(A)(v)(c)(2) and substituting instead the following:

(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(c) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider;

SECTION 3. Tennessee Code Annotated, Section 37-1-131(a)(3), is amended by deleting the subdivision and substituting instead the following:

(A) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;

(B) Pursuant to this subdivision (a)(3), the court may order detention for a maximum of forty-eight (48) hours for the delinquent child to be served only on days the



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school in which the child is enrolled is not in session; provided, that if the court finds and issues a written order that it is in the best interest of the child, the court may order:

(i) Multiple periods of detention to be served only on days the school in which the child is enrolled is not in session; and

(ii) A longer period of detention to be served only on days the school in which the child is enrolled is not in session;

SECTION 4. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(4)(B)(iii)(b) and substituting instead the following:

(b) A child placed in the custody of the department under this subdivision (a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment or services, which must be evidence-based and provided by a qualified provider;

SECTION 5. Tennessee Code Annotated, Section 37-1-131(b)(1), is amended by deleting the last sentence.

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

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 409*

House Bill No. 1131

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new, appropriately designated subsection:

(c) If a magistrate, judicial commissioner, or judge does not order the release of a defendant pending trial on the person's recognizance or upon the execution of an unsecured appearance bond, the magistrate, judicial commissioner, or judge must document in writing the reasons for making such determination for denying release, which may include, but are not limited to, the factors listed in subsection (b).

Documentation of the reasons for denying release are subject to open records requests.

SECTION 2. Tennessee Code Annotated, Section 40-11-116(b), is amended by adding the following language as new subdivision (4):

(4) Order the defendant to wear a transdermal monitoring device, a global positioning system (GPS) monitoring device, or other drug or alcohol monitoring devices.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.



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Amendment No. _____

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 409*

House Bill No. 1131

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following language as a new, appropriately designated subsection:

(c)

(1) If a magistrate, judicial commissioner, or judge does not order the release of a defendant pending trial on the person's recognizance or upon the execution of an unsecured appearance bond, the magistrate, judicial commissioner, or judge must document in writing the reasons for making such determination, which may include, but are not limited to, the factors listed in subsection (b). Documentation of the reasons for denying release on the defendant's recognizance or unsecured bond are subject to open records requests.

(2) If the magistrate, judicial commissioner, or judge determines that the defendant is not a resident of this state, no further reasons for denying release on the defendant's recognizance or unsecured bond are required to be documented by this subsection (c).

(3) This subsection (c) does not limit the magistrate, judicial commissioner, or judge's authority to release any defendant pursuant to subsection (a), regardless of the defendant's state of residency.

SECTION 2. Tennessee Code Annotated, Section 40-11-116(b), is amended by adding the following language as new subdivision (4):



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(4) Order the defendant to use a transdermal monitoring device, other alcohol or drug monitoring device, or global positioning system (GPS) monitoring device.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 409*

House Bill No. 1131

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

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (a) and substituting instead the following:

(a) "Bounty hunting" means a person who acts as an agent of a professional bondsman who attempts to or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. "Bounty hunting" does not include the taking into custody of a person by a professional bondsman; provided, that the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has privity of contract.

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (b) and substituting instead:

(b)

(1) The following individuals shall not serve as a bounty hunter in this state:

(A) An individual who has been convicted of a felony in any state;

or



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(B) An individual who has been convicted of two (2) or more Class A or Class B misdemeanors in this state, or equivalent offenses in any other state, within the past five (5) years.

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

SECTION 3. Tennessee Code Annotated, Section 40-11-401, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) Each person acting as a bounty hunter pursuant to § 40-11-318, including a professional bondsman acting as a bounty hunter, must obtain eight (8) hours of continuing education credits, with at least five (5) of those hours having a specific focus on bounty hunting, during each twelve-month period, beginning on January 1, 2021.

SECTION 4. Tennessee Code Annotated, Section 40-11-133, is amended by adding the following language as a new subsection:

(e) A professional bondsman or the agent of a professional bondsman who is arresting a defendant pursuant to this section shall not:

(1) Make a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization;

(2) Wear clothing or a uniform intended to give the impression that the professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or

(3) Wear clothing bearing an identifying title other than "Bail Bondsman".

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

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2275

House Bill No. 2280*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the language "child under fifteen (15) years of age" and substituting instead "minor".

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by redesignating the current subdivision (i)(3) as (i)(4) and inserting the following new subdivision (i)(3):

(3) There shall be no release eligibility for a person committing a human trafficking offense, defined in § 39-13-314 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309 or promoting the prostitution of a minor under § 39-13-512, on or after July 1, 2020. The person shall serve one hundred percent (100%) 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 provision of law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

- (1) Involuntary labor servitude, under § 39-13-307;
- (2) Trafficking persons for forced labor or services, under § 39-13-308;



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- (3) Trafficking for commercial sex act, under § 39-13-309; or
- (4) Promoting the prostitution of a minor, under § 39-13-512.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(c) A person convicted of a violation of this section is required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. A person convicted of a violation of this section is permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(d) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(e) Nothing in title 41, chapter 1, part 5, gives either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 4. 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.

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

Amendment No. _____

Michael A. Curcio

 Signature of Sponsor

AMEND Senate Bill No. 2275

House Bill No. 2280*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the language "child under fifteen (15) years of age" and substituting instead "minor".

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by redesignating the current subdivision (i)(3) as (i)(4) and inserting the following new subdivision (i)(3):

(3) There shall be no release eligibility for a person committing a human trafficking offense, defined in § 39-13-314 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309 or promoting the prostitution of a minor under § 39-13-512, on or after August 1, 2020. The person shall serve one hundred percent (100%) 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 provision of law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

- (1) Involuntary labor servitude, under § 39-13-307;
- (2) Trafficking persons for forced labor or services, under § 39-13-308;



- (3) Trafficking for commercial sex act, under § 39-13-309; or
- (4) Promoting the prostitution of a minor, under § 39-13-512.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(c) A person convicted of a violation of this section is required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. A person convicted of a violation of this section is permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(d) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(e) Nothing in title 41, chapter 1, part 5, gives either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 4. This act shall take effect August 1, 2020, the public welfare requiring it, and shall apply to all offenses committed on or after that date.

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

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2004

House Bill No. 2003*

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

SECTION 1. Tennessee Code Annotated, Section 55-10-419, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A)

(i) There is created in the state treasury a fund known as the DUI monitoring indigency fund. The fund must be used for eligible costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required by this part for persons determined by the court to be indigent.

(ii) There is created in the department of finance and administration, office of criminal justice programs, a fund known as the electronic monitoring indigency fund. The fund must be used for eligible costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device, if required by the court pursuant to § 40-11-152, § 55-10-402(d)(2)(A)(iii) or (h)(7), or any other statute specifically authorizing payment under this section, for persons determined by the court to be indigent.



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(B) Notwithstanding subdivision (a)(1)(A), no more than two hundred dollars (\$200) per month may be expended from the appropriate fund to pay the costs associated with an indigent person's interlock ignition device, pursuant to subdivision (a)(1)(A)(i), or other monitoring device pursuant to subdivision (a)(1)(A)(ii).

(2) Moneys in the funds must not revert to the general fund of the state, but must remain available to be used as provided for in subdivision (a)(1).

(3) Interest accruing on investments and deposits of the DUI and electronic monitoring indigency funds must be credited to such fund, must not revert to the general fund, and must be carried forward into each subsequent fiscal year.

(4) Moneys in the DUI monitoring indigency fund must be invested by the state treasurer in accordance with § 9-4-603.

(b) Except as otherwise provided in § 55-10-409(b)(2)(D), the costs incurred in order to comply with the ignition interlock requirements must be paid by the person ordered to install a functioning ignition interlock device, unless the court finds such person to be indigent. If a court determines that a person is indigent, the court must order the person to pay any portion of the costs which the person has the ability to pay, as determined by the court. Any portion of the costs the person is unable to pay must come from the DUI monitoring indigency fund established in subsection (a).

(c) Whenever a person ordered to install a device pursuant to § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), or § 55-10-417(k) asserts to the court that the person is indigent and financially unable to pay for a functioning ignition interlock device, it is the duty of the court to conduct a full and complete hearing as to the financial ability of the person to pay for the device and, thereafter, make a finding as to the indigency of the person.

(d) A person is indigent and financially unable to pay for a functioning ignition interlock device if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by

the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(e) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device is required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsection (c). If the person intentionally misrepresents, falsifies or withholds any information required by the affidavit of indigency, such person commits perjury as set out in § 39-16-702.

(f)

(1) In the event that the state treasurer determines or anticipates that the DUI monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the state treasurer is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of ignition interlock devices for a period of time determined by the state treasurer. The state treasurer may begin accepting or paying claims or invoices submitted by providers of ignition interlock devices with service dates on or after the date on which the state treasurer determines that there is a sufficient amount of money in the fund. The state treasurer shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The state treasurer may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(2) In the event that the director of the office of criminal justice programs determines or anticipates that the electronic monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the director of the office of criminal justice programs is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global

positioning monitoring devices for a period of time determined by the director of the office of criminal justice programs. The director of the office of criminal justice programs may begin accepting or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global positioning monitoring devices with service dates on or after the date on which the director of the office of criminal justice programs determines that there is a sufficient amount of money in the fund. The director of the office of criminal justice programs shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The director of the office of criminal justice programs may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(g)

(1) All proceeds collected pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be transmitted to the treasurer for deposit in the DUI monitoring indigency fund.

(2) The fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be allocated as follows:

(A) Thirty dollars and fifty cents (\$30.50) to the DUI monitoring indigency fund for the purpose of paying for the following for persons found to be indigent by the court:

(i) All the costs associated with the lease, purchase, installation, removal, and maintenance of a functioning ignition interlock device or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(ii) All the administrative costs incurred by the department of treasury in administering the DUI monitoring indigency fund;

(B) Four dollars fifty cents (\$4.50) to the Tennessee Hospital Association for the sole purposes of making grants to hospitals that have been designated as

critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas;

(C) One dollar twenty-five cents (\$1.25) to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund;

(D) One dollar twenty-five cents (\$1.25) to the department of safety, Tennessee highway safety office, for the sole purpose of funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol related traffic offenses;

(E) One dollar twenty-five cents (\$1.25) to the department of safety to be used to defray the expenses of administering this part; and

(F) One dollar twenty-five cents (\$1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. In order for a halfway house to qualify for such grant awards it must provide:

(i) No less than sixty (60) residential beds monthly with occupancy at no less than ninety-seven percent (97%) per month, or if a halfway house with nonresidential day reporting services, it must serve no less than two hundred (200) adults monthly;

(ii) Safe and secure treatment facilities, and treatment to include moral recognition therapy, GED course work, anger management therapy, and domestic and family counseling; and

(iii) Transportation to and from work, mental health or medical appointments for each of its residents.

(3)

(A) Beginning in fiscal year 2013-2014, any surplus in the DUI monitoring indigency fund must be allocated as follows:

(i) Fifty percent (50%) of such surplus must be transmitted to the department of mental health and substance abuse services and placed in the alcohol and drug addiction treatment fund; and

(ii) Fifty percent (50%) of such surplus must be used by the department of safety, Tennessee highway safety office, to provide grants to local law enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol-related traffic offenses.

(B)

(i) Beginning on July 1, 2013, and annually thereafter, the treasurer shall conduct an analysis to determine the solvency of the DUI monitoring indigency fund. The treasurer may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(ii) Beginning on July 1, 2021, and annually thereafter, the director of the office of criminal justice programs shall conduct an analysis to determine the solvency of the electronic monitoring indigency fund. The director of the office of criminal justice programs may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and

administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(h) For purposes of this section, "previous year" means from January 1 to December 31 of the year immediately preceding the February 1 reporting date.

(i) No later than a date certain established by the director of the office of criminal justice programs, each local government has the option to participate in the electronic monitoring indigency fund by having the costs for eligible devices paid from the fund for each local government's indigent defendants. The local government must demonstrate participation through a resolution legally adopted and approved by the local government's legislative body providing acceptance of the liability associated with participation and containing the maximum liability that the local government commits to its participation in the fund. For each subsequent year of participation and no later than a date certain established by the director of the office of criminal justice programs, the local government must notify the director of the office of criminal justice programs of the budgeted amount that is approved for participation in the fund within thirty (30) days from when a budget is approved by the local legislative body and shall provide a copy of the approved budget to the director of the office of criminal justice programs. The director of the office of criminal justice programs shall develop a formula, based in part on each participating city or county's total population versus the respective city or county's pretrial detention population, to determine the maximum amount of money each city or county is entitled to access from the electronic monitoring indigency fund. The state will provide funds matching each local government's maximum liability or budgeted amount for participation in the fund, up to the maximum amount of money the local government is entitled to access from the fund and subject to an appropriation by the state. Each participating local government will pay fifty percent (50%) of the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants within the local government's jurisdiction, and the state will match the local

government's cost by providing the other fifty percent (50%) of funding, up to the maximum amount of money the local government is entitled to access from the fund.

(j) In obtaining money from participating local governments, the state may either bill the local governments for costs associated with eligible devices or draw revenue from the local government's state-shared taxes.

(k) In paying claims or invoices for indigent defendants in a participating city or county, the state shall only pay for the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices when the local government has remitted fifty percent (50%) of the total eligible costs to the state.

(l) A local government may withdraw from participation in the electronic monitoring indigency fund at any time and reenter as a participant within the time frame established by the director of the office of criminal justice programs. After a local government's withdrawal from participation, the local government shall continue to pay all outstanding liabilities for eligible devices.

(m)

(1) The director of the office of criminal justice programs shall develop a model request for proposals (RFP) for use by a participating city or county in determining with which providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices to contract.

(2) Each provider of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices must contract with a participating city or county through an RFP process in order to submit a claim for payment from the electronic monitoring fund to the director of the office of criminal justice programs.

(3) If a participating city or county chooses to deviate from the RFP process or the model RFP developed by the director of the office of criminal justice programs, then the participating city or county must complete a waiver request form created by the office

of criminal justice programs and submit the waiver to the director of the office of criminal justice programs for approval or denial. An RFP process used by a participating city or county must meet the minimum standards developed by the director of the office of criminal justice programs pursuant to subdivision (m)(1).

(n) The DUI monitoring indigency fund shall be administered by the treasurer. Through the administration of the fund, the treasurer has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(o) For the efficient administration of the DUI monitoring indigency fund, providers of ignition interlock devices shall:

(1) Submit a claim to the treasurer electronically on a form prescribed by the treasurer no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the treasurer for reimbursement;

(2) Submit invoices to the treasurer no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the treasurer no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the treasurer.

(p) The electronic monitoring indigency fund is administered by the director of the office of criminal justice programs. Through the administration of the fund, the director of the office of criminal justice programs has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(q) For the efficient administration of the electronic monitoring indigency fund, providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices shall:

(1) Submit a claim to the director of the office of criminal justice programs electronically on a form prescribed by the director of the office of criminal justice programs no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the director of the office of criminal justice programs for reimbursement;

(2) Submit invoices to the director of the office of criminal justice programs no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the director of the office of criminal justice programs no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the director of the office of criminal justice programs.

(r) The provider shall ensure that the court orders submitted to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) do not contain handwritten changes and are submitted on a uniform court order prescribed by the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q).

(s) If a provider filing a claim or invoice for reimbursement from either of the funds knowingly makes a false, fictitious, or fraudulent statement or representation, or knowingly submits false, fictitious, or fraudulent documentation or information to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) for reimbursement, the provider may be liable under the False Claim Act compiled in title 4, chapter 18.

(t) If a provider is overpaid from either of the funds for any reason, the treasurer is authorized to exercise a right of set-off against any amount due to the provider from the DUI monitoring indigency fund and the director of the office of criminal justice programs is authorized to exercise a right of set-off against any amount due to the provider from the electronic monitoring indigency fund.

SECTION 2. Tennessee Code Annotated, Section 69-9-219(c)(9), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 3. Tennessee Code Annotated, Section 40-11-118(d)(2)(B), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 4. Tennessee Code Annotated, Section 40-11-148(b)(2)(B), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 5. Tennessee Code Annotated, Section 40-28-201(a)(5), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 6. Tennessee Code Annotated, Section 40-33-211(c)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 7. Tennessee Code Annotated, Section 40-33-211(f)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 8. Tennessee Code Annotated, Section 55-10-409(b)(2)(C), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 9. Tennessee Code Annotated, Section 55-10-417(m), is amended by deleting the language "electronic monitoring indigency fund" and substituting instead "DUI monitoring indigency fund".

SECTION 10. Tennessee Code Annotated, Section 55-10-425(g), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 11. This act shall take effect July 1, 2021, the public welfare requiring it.

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2749

House Bill No. 2275*

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

SECTION 1. Tennessee Code Annotated, Section 39-16-302, is amended by deleting the section and substituting instead the following:

(a)

(1) It is unlawful for any person who is not licensed, certified, or registered to do so, to practice or pretend to be licensed, certified, or registered to practice a profession listed in subdivision (a)(2) that requires a licensure, certification, or registration.

(2) This subsection (a) applies to the following licenses, certifications, and registrations:

(A) A license issued by the board of law examiners, created under § 23-1-101;

(B) The licensure of services and facilities operated pursuant to title 33, chapter 2, part 4, for the provision of mental health services, alcohol, and drug abuse prevention or treatment; for the provision of services for intellectual and developmental disabilities; and for personal support services;

(D) A license issued by any licensing authority created under titles 41, 48, 49, 56, and 71;

(E) A license issued by the department of financial institutions, when acting as a licensing authority pursuant to title 45;



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(F) Any license, certificate, or registration issued pursuant to the rules of the supreme court;

(G) The licensure of pain management clinics licensed pursuant to title 63, chapter 1, part 3; or

(H) The licensure of physicians under title 63, chapter 6 or 9.

(b) A person who is not licensed to engage in a practice, and practices or pretends to be licensed to practice a profession for which a license certifying the qualifications of the licensee to practice the profession is required, other than a license listed in subsection (a), may be prosecuted for criminal impersonation, pursuant to § 39-16-301.

(c) A violation of subsection (a) is a Class E felony.

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

Amendment No. _____

Michael D. C.

Signature of Sponsor

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

AMEND Senate Bill No. 2749

House Bill No. 2275*

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

SECTION 1. Tennessee Code Annotated, Section 39-16-302, is amended by deleting the section and substituting instead the following:

(a)

(1) It is unlawful for any person who is not licensed, certified, or registered to do so, to practice or pretend to be licensed, certified, or registered to practice a profession listed in subdivision (a)(2) that requires a licensure, certification, or registration.

(2) This subsection (a) applies to the following licenses, certifications, and registrations:

(A) A license issued by the board of law examiners, created under § 23-1-101;

(B) The licensure of services and facilities operated pursuant to title 33, chapter 2, part 4, for the provision of mental health services, alcohol, and drug abuse prevention or treatment; for the provision of services for intellectual and developmental disabilities; and for personal support services;

(C) A license issued by any licensing authority created under titles 41, 48, 49, 56, and 71;

(D) A license issued by the department of financial institutions, when acting as a licensing authority pursuant to title 45;



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(E) Any license, certificate, or registration issued pursuant to the rules of the supreme court;

(F) The licensure of pain management clinics licensed pursuant to title 63, chapter 1, part 3; or

(G) The licensure of physicians under title 63, chapter 6 or 9.

(b) A person who is not licensed to engage in a practice, and practices or pretends to be licensed to practice a profession for which a license certifying the qualifications of the licensee to practice the profession is required, other than a license listed in subsection (a), may be prosecuted for criminal impersonation, pursuant to § 39-16-301.

(c) A violation of subsection (a) is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 39-16-301(a), is amended by inserting the following language as a new subdivision:

() Pretends to be licensed to practice, or practices without a license, a profession for which a license certifying the qualifications of the licensee to practice the profession is required, other than a license listed in § 39-16-302(a)(2);

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

House Transportation Committee 1

Amendment No. 1 to HB2110

Howell
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".

Amendment No. _____
Mohr

Signature of Sponsor

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

AMEND Senate Bill No. 2090

House Bill No. 2110*

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

SECTION 1. Tennessee Code Annotated, Section 55-8-198(f), is amended by deleting the subsection and substituting instead the following:

(f)

(1) No surveillance cameras shall be permitted on federal interstate highways except for Smart Way cameras, other intelligent transportation system cameras, or, when employees of the department or construction workers are present, surveillance cameras used to enforce or monitor traffic violations within work zones designated by the department of transportation; provided, that the cameras are operated only by a state entity.

(2) In any county having a population greater than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census, surveillance cameras owned by law enforcement agencies may be permitted on federal interstate highways to aid in criminal investigations; provided, that the surveillance cameras are not used to enforce or monitor state or local traffic violations or issue citations for state or local traffic violations.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which 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 3. This act shall take effect October 1, 2020, the public welfare requiring it.



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

Amendment No. _____

Michal A. Curcio

 Signature of Sponsor

AMEND Senate Bill No. 589

House Bill No. 547*

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

SECTION 1. Tennessee Code Annotated, Section 40-29-101(a), is amended by deleting the subsection and substituting instead the following:

Persons rendered infamous or deprived of the rights of citizenship by the judgment of any state or federal court may have their full rights of citizenship restored by the circuit court; however, a person described in § 40-29-204 is never eligible to register and vote in this state.

SECTION 2. Tennessee Code Annotated, Section 40-29-202, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) Notwithstanding subsection (a), a person is not eligible to apply for a voter registration card and have the right of suffrage restored, unless the person:

- (1) Has paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence;
- (2) Is current in all child support obligations; and
- (3) Beginning September 1, 2010, has paid all court costs assessed against the person at the conclusion of the person's trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

(c) Notwithstanding subsection (b):

- (1) A person is eligible to apply for a voter registration card and have the right of suffrage provisionally restored if the person:



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(A) Enters into a payment plan to pay all unpaid restitution to the victim or victims of the offense ordered by the court as part of the sentence;

(B) Enters into a payment plan to become current in all unpaid child support obligations; and

(C) Enters into a payment plan to pay all unpaid court costs assessed against the person at the conclusion of the person's trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

(2) If a person willfully fails to adhere to the terms of a payment plan entered into pursuant to this subsection (c), the court may revoke the person's provisional right of suffrage. Prior to revoking a person's provisional right of suffrage, the court shall offer the person the opportunity to be heard and to submit proof of the person's financial inability to pay, which may include a signed affidavit of indigency.

SECTION 3. This act shall take effect January 1, 2021, the public welfare requiring it.

Amendment No. _____

Michael A. Curcio
Signature of Sponsor

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

AMEND Senate Bill No. 2921

House Bill No. 2914*

by deleting "July 1, 2020" in Section 3 and substituting instead "September 1, 2020".



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- 1 -



018344

Amendment No. _____

Mark Cohen
Signature of Sponsor

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

AMEND Senate Bill No. 2615

House Bill No. 2789*

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

SECTION 1. Tennessee Code Annotated, Title 15, Chapter 2, is amended by adding the following as a new section:

The week that includes September 17 is designated as "Freedom Week" in Tennessee. The governor is encouraged to issue a proclamation each year to honor the week.

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



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016928

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2789 - SB 2615

March 13, 2020

SUMMARY OF ORIGINAL BILL: Designates the week that includes September 17 as "Freedom Week" in Tennessee and requires the Governor to issue a proclamation each year to honor such week.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016928): Deletes and replaces all language after the enacting clause such that the only substantive change to the legislation encourages, rather than requires, the Governor to issue a proclamation each year to honor "Freedom Week."

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation does not declare any 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.
- Any proclamation required of the Governor can be issued with no significant impact to state government.

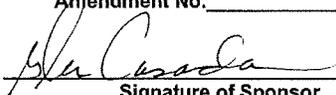
CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Signature of Sponsor

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

AMEND

House Joint Resolution No. 686*

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

WHEREAS, a bust of Nathan Bedford Forrest was installed in the State Capitol in 1978;

and

WHEREAS, since the day of its dedication, the Forrest bust has been the subject of debate and protest, and its presence in the State Capitol continues to be a divisive issue among Tennesseans; and

WHEREAS, while supporters extol Nathan Bedford Forrest's innovative military leadership as a general for the Confederacy during the Civil War, opponents emphasize his career as a slave trader, his role in the Fort Pillow massacre, and his leadership in the Ku Klux Klan; and

WHEREAS, there are literally thousands of Tennesseans deserving of being honored in the State Capitol; 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 it is the sense of this body that a schedule should be established to rotate historically significant busts to and from the statuary niches located on the second floor of the state capitol in order to honor the many great Tennesseans who have served our state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Bill Lee and each member of the Capitol Commission.



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- 1 -



013300

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HJR 686

January 27, 2020

SUMMARY OF ORIGINAL BILL: Resolves that the bust of Nathan Bedford Forrest be removed from the State Capitol and be replaced with the bust of another Tennessean.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$61,400/FY20-21/State Capitol Commission

SUMMARY OF AMENDMENT (013300): Deletes and rewrites all language after the caption such that the only substantive changes eliminate direct reference to removing the Nathan Bedford Forrest bust and suggest that historical figure busts located in the statuary niches on the second floor of the capitol be subject to rotation with other busts of prominent Tennesseans.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures –
Exceeds \$7,200/FY20-21 and Subsequent Years/State Capitol Commission

Assumptions for the bill as amended:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the Tennessee Historical Commission (THC) for a waiver of such prohibition.
- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Pursuant to Tenn. Code Ann. § 4-8-302, the State Capitol Commission (SCC) has the power and duty to, among other things, establish policy governing maintenance of the state capitol.

- The proposed legislation does not specify the frequency at which busts at the state capitol are to be rotated.
- For the purposes of this fiscal analysis it is assumed that the SCC panel and subsequently the THC will approve a measure to annually rotate one bust and replace it with the bust of another Tennessean.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114. The total one-time cost of publishing a notice of the petition in two newspapers is estimated to be \$228 (\$114 x 2).
- Based on information provided by the Department of General Services regarding previous costs of statue relocations, it is estimated that the relocation of any bust will result in an increase in state expenditures to the SCC of at least \$3,500.
- A recurring increase in state expenditures to the SCC exceeding \$7,228 [$\$228 + (\$3,500 \times 2$ busts)] beginning in FY20-21.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Bill Durr

Signature of Sponsor

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

AMEND

House Joint Resolution No. 686*

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

WHEREAS, it is appropriate to erect busts, statues, and monuments to recognize historically significant individuals; 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 the busts of Nathan Bedford Forrest, Admiral David Farragut, Admiral Albert Gleaves, and Commander Matthew Maury that are located in the Tennessee State Capitol be relocated to more suitable locations that are fitting for military history.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Bill Lee and each member of the State Capitol Commission.



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013669

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HJR 686

February 1, 2020

SUMMARY OF ORIGINAL BILL: Resolves that the bust of Nathan Bedford Forrest be removed from the State Capitol and be replaced with the bust of another Tennessean.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$61,400/FY20-21/State Capitol Commission

SUMMARY OF AMENDMENT (013669): Deletes and rewrites all language after the caption such that the only substantive change establishes that the busts of Nathan Bedford Forrest, Admiral David Farragut, Admiral Albert Gleaves, and Commander Matthew Maury, all located in the State Capitol, all be relocated to more suitable locations that are fitting for military history.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures –

Exceeds \$14,200/FY20-21/State Capitol Commission

Assumptions for the bill as amended:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the Tennessee Historical Commission (THC) for a waiver of such prohibition.
- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Pursuant to Tenn. Code Ann. § 4-8-302, the State Capitol Commission (SCC) has the power and duty to, among other things, establish policy governing maintenance of the state capitol.

- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114. The total one-time cost of publishing a notice of the petition in two newspapers is estimated to be \$228 ($\114×2).
- Based on information provided by the Department of General Services regarding previous costs of statue relocations, it is estimated that the relocation of any bust will result in an increase in state expenditures to the SCC of at least \$3,500.
- This legislation will require the relocation of four separate busts, resulting in a one-time increase in state expenditures totaling at least \$14,000 ($4 \times \$3,500$).
- A one-time increase in state expenditures to the SCC in FY20-21 exceeding \$14,228 ($\$228 + \$14,000$).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Signature of Sponsor

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

AMEND

House Joint Resolution No. 686*

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

WHEREAS, a bust of Nathan Bedford Forrest was installed in the State Capitol in 1978;
and

WHEREAS, since the day of its dedication, the Forrest bust has been the subject of
debate and protest, and its presence in the State Capitol continues to be a divisive issue among
Tennesseans; and

WHEREAS, while supporters extol Nathan Bedford Forrest's innovative military
leadership as a general for the Confederacy during the Civil War, opponents emphasize his
career as a slave trader, his role in the Fort Pillow massacre, and his leadership in the Ku Klux
Klan; and

WHEREAS, there are literally thousands of Tennesseans more deserving of being
honored in the State Capitol, for instance the late Anne M. Davis of Knoxville and Gatlinburg
and the late William F. Yardley of Knoxville; and

WHEREAS, Anne M. Davis was instrumental in the founding of Great Smoky Mountains
National Park; as only the third woman elected to the Tennessee House of Representatives,
she successfully sponsored legislation for the purchase of more than 78,000 acres of mountain
land for the park; and

WHEREAS, she was also active in the League of Women Voters and led the movement
to establish a library in Gatlinburg; and

WHEREAS, William F. Yardley, an influential and powerful advocate for the legal rights
of blacks, was the first African American to run for governor of Tennessee; although he lost as
an independent candidate in the 1876 gubernatorial election, thereafter Knoxvilleans referred to



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013633



HJR 686

February 3, 2020

SUMMARY OF ORIGINAL BILL: Resolves that the bust of Nathan Bedford Forrest be removed from the State Capitol and be replaced with the bust of another Tennessean.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$61,400/FY20-21/State Capitol Commission

SUMMARY OF AMENDMENT (013633): Deletes and replaces language of the original resolution such that the only substantive change is to delete language suggesting busts of specific Tennesseans as replacements.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Exceeds \$7,200/FY20-21/State Capitol Commission

Assumptions for the bill as amended:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the Tennessee Historical Commission (THC) for a waiver of such prohibition.
- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Pursuant to Tenn. Code Ann. § 4-8-302, the State Capitol Commission (SCC) has the power and duty to, among other things, establish policy governing maintenance of the state capitol.
- For the purposes of this fiscal analysis it is assumed that the SCC panel and subsequently the THC will approve a measure to remove the bust of Nathan Bedford Forrest and replace it with the bust of another Tennessean.
- It is unknown whether such replacement will require the procurement of a new bust, which would result in additional costs; however, for the purpose of this fiscal analysis, it

is assumed that an existing bust would be used to replace the bust of Nathan Bedford Forrest.

- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114. The total one-time cost of publishing a notice of the petition in two newspapers is estimated to be \$228 ($\114×2).
- Based on information provided by the Department of General Services regarding previous costs of statue relocations, it is estimated that the relocation of any bust will result in an increase in state expenditures to the SCC of at least \$3,500.
- A one-time increase in state expenditures to the SCC in FY20-21 exceeding \$7,228 [$\$228 + (\$3,500 \times 2 \text{ busts})$].

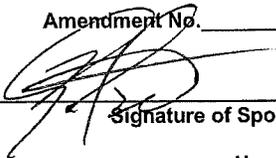
CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Signature of Sponsor

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

AMEND

House Joint Resolution No. 686*

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

WHEREAS, a bust of Nathan Bedford Forrest was installed in the State Capitol in 1978; and

WHEREAS, since the day of its dedication, the Forrest bust has been the subject of debate and protest, and its presence in the State Capitol continues to be a divisive issue among Tennesseans; and

WHEREAS, while supporters extol Nathan Bedford Forrest's innovative military leadership as a general for the Confederacy during the Civil War, opponents emphasize his career as a slave trader, his role in the Fort Pillow massacre, and his leadership in the Ku Klux Klan; and

WHEREAS, there are literally thousands of Tennesseans more deserving of being honored in the State Capitol, for instance the late Anne M. Davis of Knoxville and Gatlinburg and the late William F. Yardley of Knoxville; and

WHEREAS, Anne M. Davis was instrumental in the founding of Great Smoky Mountains National Park; as only the third woman elected to the Tennessee House of Representatives, she successfully sponsored legislation for the purchase of more than 78,000 acres of mountain land for the park; and

WHEREAS, she was also active in the League of Women Voters and led the movement to establish a library in Gatlinburg; and

WHEREAS, William F. Yardley, an influential and powerful advocate for the legal rights of blacks, was the first African American to run for governor of Tennessee; although he lost as an independent candidate in the 1876 gubernatorial election,





June 1, 2020

SUMMARY OF ORIGINAL BILL: Resolves that the bust of Nathan Bedford Forrest be removed from the State Capitol and be replaced with the bust of another Tennessean.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$61,400/FY20-21/State Capitol Commission

SUMMARY OF AMENDMENT (018036): Deletes and replaces language in the original bill such that the bill as amended makes no substantive changes.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the Tennessee Historical Commission (THC) for a waiver of such prohibition.
- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Pursuant to Tenn. Code Ann. § 4-8-302, the State Capitol Commission (SCC) has the power and duty to, among other things, establish policy governing maintenance of the state capitol.
- For the purposes of this fiscal analysis it is assumed that the SCC panel and subsequently the THC will approve a similar measure to remove the bust and replace it with the bust of another Tennessean.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average

cost for a newspaper notification is \$114. The total one-time cost of publishing a notice of the petition in two newspapers is estimated to be \$228 (\$114 x 2).

- Based on information provided by the Department of General Services regarding previous costs of statue relocations, it is estimated that the proposed relocation of the bust from the state capitol to its new destination would result in a one-time increase in state expenditures to the SCC of \$3,500.
- The cost of design, creation, and installation of a new bust is unknown. However, the 2014 Appropriation Act, Public Chapter 919, included \$25,000 for the Davy Crockett bust, and the 2015 Appropriation Act, Public Chapter 427, included an additional \$35,000, for a total of \$60,000.
- According to the SCC, total expenditures by the SCC on the David Crockett Monument were \$57,647. Based on this information, it is reasonably assumed that the one-time cost of the new bust would be identical to that amount, or \$57,647.
- A one-time increase in state expenditures to the SCC in FY20-21 of \$61,375 (\$228 + \$3,500 + \$57,647).

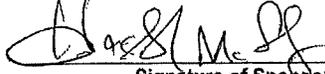
CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2501

House Bill No. 2143*

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 8, Part 3, is amended by adding the following language as a new section:

(a) The state capitol commission shall establish a bust rotation schedule for the statuary niches located on the second floor of the state capitol.

(b) Only busts depicting or representing former members of the state house of representatives, state senate, United States house of representatives, and United States senate may be included in the bust rotation schedule.

(c) Busts must be rotated every four (4) years.

(d) Subject to appropriation, the commission may purchase additional busts appropriate for display in the bust rotation schedule.

(e) Prior to July 1, 2020, any bust not eligible for inclusion in the bust rotation schedule under subsection (b) must be removed from the state capitol and transferred to the state museum for display or storage.

SECTION 2. Tennessee Code Annotated, Section 4-1-412(e), is amended by adding the following language as a new subdivision:

This section does not apply to any bust or other statuary memorial located within the statuary niches on the second floor of the state capitol.

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



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014939

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2143 - SB 2501

May 6, 2020

SUMMARY OF ORIGINAL BILL: Requires the 2020 annual report to the Governor and General Assembly by the Tennessee Capitol Commission (TCC) to include every name of those honored by a statue located in the state capitol and contiguous grounds and the history of each statue.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014939): Deletes all language after the enacting clause. Requires the State Capitol Commission (SCC) to establish a bust rotation schedule for the statuary niches located on the second floor of the state capitol. Establishes that only busts depicting or representing former members of the State House of Representatives, State Senate, United States House of Representatives, or United States Senate. Requires such bust rotation be performed every four years. Subject to appropriation, the Commission may purchase additional busts appropriate for display in the bust rotation schedule. Requires, prior to July 1, 2020, any bust not eligible for inclusion in the bust rotation be removed from the state capitol and transferred to the state museum for display or storage.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures -

Exceeds \$7,200/FY19-20/State Capitol Commission

Exceeds \$176,700/FY20-21/State Capitol Commission

Exceeds \$3,700/FY21-22 and Subsequent Years/State Capitol Commission

Assumptions for the bill as amended:

- Tennessee Code Annotated § 4-1-412(b) prohibits any memorial regarding a historic conflict, historic entity, historic event, historic figure, or historic organization that is, or is located on, public property, from being removed, renamed, relocated, altered, rededicated, or otherwise disturbed or altered, unless a public entity exercising control of the memorial petitions the Tennessee Historical Commission (THC) for a waiver of such prohibition.

- A notice of the petition is required to be published on the website of the public entity and in at least two newspapers. The THC is required to conduct initial and final hearings on the petition during regularly-scheduled THC meetings. Any petition that fails to receive a two-thirds vote shall be denied.
- Pursuant to Tenn. Code Ann. § 4-8-302, the State Capitol Commission (SCC) has the power and duty to, among other things, establish policy governing maintenance of the state capitol.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114. The total one-time cost of publishing a notice of the petition in two newspapers is estimated to be \$228 ($\114×2).
- Based on information provided by the Department of General Services regarding previous costs of statue relocations, it is estimated that the relocation of one bust will result in an increase in state expenditures to the SCC of at least \$3,500.
- This legislation will result in any bust located in a statuary niche depicting an individual who has neither served as a state or federal representative or senator being permanently transferred to the State Museum.
- There are six busts located in statuary niches. Four of six busts depict individuals that have either served as either a state or federal representative or senator.
- This legislation will require the permanent relocation of two separate busts, resulting in a one-time increase in state expenditures totaling at least \$7,000 ($2 \times \$3,500$). Such relocation is required to occur prior to July 1, 2020; therefore, the cost of such relocations will occur in FY19-20.
- This legislation will result in the rotation of one bust of an individual that have served as either a state or federal representative or senator.
- A recurring increase in state expenditures of \$3,500.
- This legislation authorizes, through appropriation, the purchase of additional busts to place in the statuary niches.
- The permanent removal of two current busts will require the purchase of three new busts, two to replace the permanent removals, and one to allow for the annual rotation.
- According to the SCC, total expenditures by the SCC on the David Crockett Monument were \$57,647. Based on this information, it is reasonably assumed that the one-time cost of the new bust would be identical to that amount, or \$57,647.
- A one-time increase in state expenditures for three new busts of approximately \$172,941 ($3 \text{ busts} \times \$57,647$).
- An increase in state expenditures to the SCC in FY19-20 exceeding \$7,228 ($\$228 + \$7,000$).
- An increase in state expenditures to the SCC in FY20-21 exceeding \$176,669 ($\$228 + \$3,500 + \$172,941$).
- A recurring increase in state expenditures to the SCC in FY21-22 and subsequent years exceeding \$3,728 ($\$228 + \$3,500$).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jdb

Amendment No. _____

Signature of Sponsor

FILED
Date <u>6-8-20</u>
Time <u>11:25</u>
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2926

House Bill No. 2926*

by deleting SECTION 3 and substituting instead the following:

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Madison County and a two-thirds (2/3) vote of the legislative body of the City of Jackson. Its approval or nonapproval shall be proclaimed by the presiding officers of the legislative bodies and certified to the secretary of state.



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018334



HOUSE RESEARCH DIVISION

Health Committee
Amendment ePacket 1 of 2

Tuesday, June 9, 2020

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2196

House Bill No. 2263*

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

SECTION 1. Tennessee Code Annotated, Section 37-10-304(c)(2), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as new sections:

39-15-214.

(a) Findings. The general assembly finds:

(1) As the Supreme Court has stated in Planned Parenthood v. Casey, 505 U.S. 833, 852 (1992), "Abortion is a unique act" and is "fraught with consequences...for the woman who must live with the implications of her decision." As the Supreme Court stated in Gonzales v. Carhart, 550 U.S. 124, 159 (2007) "it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow." The Supreme Court has acknowledged, in Casey at 882, that the effect of an abortion on the life of the unborn child is "relevant, if not dispositive" information for the patient's decision;

(2) Current standards of medical care mandate the performance of an ultrasound prior to the performance of inducing of an abortion. Determining accurate information regarding gestational development is important for purposes of informed consent, as well as making essential preparation for the procedure itself;



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(3) In this state ultrasounds are regularly provided to women seeking an abortion to determine if they are eligible for a medication abortion, and to review other factors related that cannot be determined prior to an examination of the patient;

(4) In the forty-seven (47) years since the United States Supreme Court's ruling in Roe v. Wade, 410 U.S. 113 (1973), there have been substantial advances in scientific methods and medical technology that have significantly expanded knowledge and understanding of prenatal life and development, and the effects of abortion on the physical and psychological health of women;

(5) At conception, a new and genetically distinct human being is formed;

(6) The state has a legitimate, substantial, and compelling interest in protecting the rights of all human beings, including the fundamental and absolute right of unborn human beings to life, liberty, and all rights protected by the Fourteenth and Ninth Amendments to the United States Constitution;

(7) The presence of a fetal heartbeat is medically significant because the heartbeat is a discernible sign of life at every stage of human existence;

(8) An unborn child's heart begins to beat at five (5) weeks gestational age, and blood begins to flow during the sixth week;

(9) Depending on what type of equipment is utilized, an unborn child's heartbeat can be detected as early as six (6) to eight (8) weeks gestational age;

(10) An unborn child's heartbeat can consistently be made audible using a handheld Doppler fetal heart rate device by twelve (12) weeks gestational age;

(11) A pregnancy can be confirmed through the detection of the unborn child's heartbeat;

(12) By the beginning of the second trimester, physicians view the absence of a fetal heartbeat as an instance of fetal death;

(13) It is standard medical practice to monitor an unborn child's heartbeat throughout pregnancy and labor to measure the heart rate and rhythm of the unborn

child, which averages between one hundred ten (110) and one hundred sixty (160) beats per minute. This monitoring is used as an indicator of the health of the unborn child;

(14) Since the Supreme Court's decision in *Roe v. Wade*, medical professionals have expanded their understanding of life in utero to include, among other indicia, the presence of a heartbeat, brain development, a viable pregnancy or viable intrauterine pregnancy during the first trimester of pregnancy, and the ability to experience pain;

(15) The presence of a fetal heartbeat is the best indicator of a viable pregnancy. The detectability of a fetal heartbeat is a strong predictor of survivability to term, especially if the heartbeat is present at eight (8) weeks gestational age or later;

(16) When a fetal heartbeat is detected between eight (8) and twelve (12) weeks gestational age, the rate of miscarriage is extremely low, with approximately ninety eight percent (98%) of naturally conceived pregnancies carrying to term;

(17) At eight (8) weeks gestational age, an unborn child begins to show spontaneous movements, and reflexive responses to touch. The majority of an unborn child's body is responsive to touch by fourteen (14) weeks gestational age;

(18) Peripheral cutaneous sensory receptors, which are the receptors that feel pain, develop in an unborn child at around seven (7) to eight (8) weeks gestational age. Sensory receptors develop in the palmar regions during the tenth week of gestational age, growing throughout the unborn child's body by sixteen (16) weeks gestational age;

(19) An unborn child's nervous system is established by six (6) weeks gestational age. At this stage, the basic patterning of the early nervous system is in place and is the basis for tremendous growth and increased complexity built upon this basic pattern. The earliest neurons of the cortical brain, responsible for thinking, memory, and higher level functions, are established by the fourth week;

(20) Synapses are formed in the seventh week, and the neural connections for the most primitive responses to pain are in place by ten (10) weeks gestation;

(21) Substance P, a peptide functioning as a neurotransmitter in the transmission of pain, is present in the spinal cord of an unborn child at eight (8) weeks gestational age, while enkephalin peptides, which serve as neurotransmitters in pain modulation, are present at twelve (12) to fourteen (14) weeks gestational age;

(22) There is significant evidence, based on peer-reviewed scientific studies, that unborn children are capable of experiencing pain by no later than twenty (20) weeks gestational age. Pain receptor nerves are already present throughout the human body by twenty (20) weeks gestation, and the cortex, which begins development at eight (8) weeks, has a full complement of neurons at twenty (20) weeks;

(23) There is evidence that an unborn child is capable of feeling pain as early as twelve (12) to fifteen (15) weeks gestational age. The scientific evidence shows that significant cortical neuronal connections are in place by ten (10) to twelve (12) weeks gestation, and that connections between the spinal court and thalamus are nearly complete by twenty (20) weeks gestation;

(24) A growing body of medical evidence and literature supports the conclusion that an unborn child may feel pain from around eleven (11) to twelve (12) weeks gestational age, or even as early as five and a half (5 ½) weeks. At only eight (8) weeks gestation, an unborn child exhibits reflexive movement during invasive procedures resulting from spinal reflex neuro pathways, showing that the unborn child reacts to noxious stimuli with avoidance reactions and stress responses. By sixteen (16) weeks gestational age, pain transmission from a peripheral receptor to the cortex is possible. Significant evidence also shows hormonal stress responses by unborn children as early as eighteen (18) weeks;

(25) Mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero, and providing this information to mothers who are considering abortion is an important

part of empowering mothers to make a fully-informed choice on whether or not to seek an abortion;

(26) Medical evidence shows that younger infants are hypersensitive to pain. Neuronal mechanisms that inhibit or moderate pain sensations do not begin to develop until thirty-four (34) to thirty-six (36) weeks gestation and are not complete until a significant time after birth. Newborn and preterm infants are hyperresponsive to pain compared to adults or older infants;

(27) The recognition of fetal pain has led to improvements and changes in how physicians approach fetal surgery and fetal anesthesia. The presence of neural connections and the ability to feel pain as early as the fifteenth week now necessitate treating the unborn child as a separate patient from the mother for purposes of utilizing direct analgesia to fetal patients, who clearly elicit stress responses to pain;

(28) Fetal surgeons at specialized units in St. Louis, Nashville, Cincinnati, Kansas City, Boston, and elsewhere, in response to their recognition of fetal pain, routinely use anesthesia and analgesia for unborn and premature infants undergoing surgery as young as eighteen (18) weeks gestation;

(29) The leading textbook on clinical anesthesia recognizes the significant body of evidence indicating the importance of mitigating fetal stress responses to pain stimuli. It is presumed that an unborn child's ability to fully experience pain occurs between twenty (20) and thirty (30) weeks, and that the fetal experience of pain may be even greater than that of term neonate or young children due to the immaturity of neurodevelopment that helps inhibit pain;

(30) Mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero;

(31) The infliction of unnecessary pain upon a living being is generally prohibited by state and federal law. The legislature has prohibited the unnecessary infliction of pain

on living beings in a variety of circumstances in an effort to protect the innocent from harm;

(32) The life of an unborn child is recognized and protected from violence by federal law and by the laws of most states. The killing of an unborn child is considered homicide in thirty-eight (38) states, with at least twenty-eight (28) of those states criminalizing the act from conception. Nearly every state and the District of Columbia have wrongful death statutes that allow for liability and recovery for the death of an unborn child or subsequent death of an infant who is born and later dies because of injuries caused while in utero;

(33) The United States Supreme Court created the viability standard for evaluating abortion-related laws and regulations in *Roe v. Wade*, 410 U.S. 113 (1973), and reaffirmed this approach in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992);

(34) At the time *Roe v. Wade* was decided, the court recognized that viability was not likely until approximately twenty-eight (28) weeks gestational age;

(35) Since the Supreme Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*, advances in science, technology, and treatment methods have resulted in children surviving and thriving at younger preterm ages than ever before;

(36) In recent years, scientific advances and advances in neonatal care of lowered the gestational limits of survivability well into the second trimester;

(37) The age at which a preterm infant can survive has decreased from twenty-eight (28) weeks to less than twenty-two (22) weeks. Survival of preterm infants has increased significantly over time assuming physicians provide active care for the young infants, lowering the age of survival from twenty-eight (28) weeks to twenty-four (24) weeks. Moreover, infants born as early as twenty-two (22) weeks can survive with the provision of care and treatment. The youngest preterm infant to survive was born at only twenty-one (21) weeks and four (4) days;

(38) In 1978, the first infants weighing less than seven hundred fifty (750) grams were successfully ventilated;

(39) By the 1990s, survival of infants born weighing between five hundred (500) and seven hundred (700) grams, roughly between twenty-four (24) to twenty-six (26) weeks, became possible;

(40) Technological developments in the 1980s and 1990s, such as improved tracheal instillation of surfactant for respiratory distress syndrome and antenatal corticosteroids, resulted in survival of infants born between twenty-three (23) to twenty-four (24) weeks;

(41) In recent years, resuscitation and survival of infants born weighing less than four hundred (400) grams, or approximately twenty-two (22) to twenty-three (23) weeks gestational age, has further decreased the age of viability;

(42) The provision of active prenatal and postnatal care has significantly increased the number of prematurely born children who survive until hospital discharge;

(43) Abortions performed at any gestational age pose a risk to the mother. Abortion increases the risks of subsequent preterm birth and placenta previa, life-threatening hemorrhage, postpartum hemorrhage, and cesarean delivery;

(44) Abortions performed later in pregnancy pose an even higher medical risk to the health and life of women, with the relative risk increasing exponentially at later gestational ages after eight (8) weeks gestational age;

(45) The relative risk of death for pregnant women who had an abortion performed or induced upon her at eleven (11) to twelve (12) weeks gestational age is between three (3) and four (4) times higher than an abortion at eight (8) weeks gestational age or earlier;

(46) The relative risk of death for pregnant women who had an abortion performed or induced upon her at thirteen (13) to fifteen (15) weeks gestational age is

almost fifteen (15) times higher than an abortion at eight (8) weeks gestational age or earlier;

(47) The relative risk of death for pregnant women who had an abortion performed or induced upon her at sixteen (16) to twenty (20) weeks gestational age is almost thirty (30) times higher than an abortion at eight (8) weeks gestational age or earlier;

(48) The relative risk of death for pregnant women who had an abortion performed or induced upon her at twenty-one (21) weeks gestational age or later is more than seventy-five (75) times higher than an abortion at eight (8) weeks gestational age or earlier;

(49) Women who have an abortion suffer from post-traumatic stress disorder at a rate slightly higher than veterans of the Vietnam war. Women who have an abortion have an eighty one percent (81%) increased risk of mental trauma after an abortion. Abortion has been shown to correlate with many other mental health disorders as well;

(50) The United States is one of only seven (7) countries in the world that permits elective abortion past twenty (20) weeks;

(51) Only seventeen (17) countries permit abortion without any restriction beyond week twelve (12) weeks gestational age;

(52) The United States is an outlier within the international community related to the regulation of abortion. Of the countries that permit elective abortion, nine (9) limit elective abortion before the twelfth week of gestation, thirty-six (36) limit elective abortion at twelve (12) weeks gestation, six (6) limit elective abortion between twelve (12) and twenty (20) weeks gestation, and only seven (7) permit elective abortion past twenty (20) weeks or have no gestational limit;

(53) The historical development of abortion is undeniably tied to bias and discrimination by some organizations, leaders, and policies towards impoverished and minority communities, including the imposition of forced sterilization of the intellectually

disabled, poor, minority, and immigrant women. These historic policies should be rejected and left on the ash heap of history;

(54) As Justice Clarence Thomas wrote in his opinion concurring in the denial of certiorari in *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, 139 S. Ct. 1780, 1783 (2019), "the use of abortion to achieve eugenic goals is not merely hypothetical." This historical practice of abortion was rooted not in equality but in discrimination based on age, sex, and disability;

(55) In the early twentieth century, the eugenics movement had grown popular across elite institutions in the United States, with many distinguishing between so-called fit and unfit individuals along racial lines and expressing concern over the increased birth-rate among non-white populations. Such abhorrent distinctions were also made between able-bodied persons and persons eugenicists referred to as "feeble-minded," "deformed," "diseased," blind, deaf, or "dependent," a term used to include orphans and the poor. Laws were adopted prohibiting marriages between the disabled and other "unfit" individuals and requiring their sterilization. More than sixty thousand (60,000) people were involuntarily sterilized between 1907 and 1983;

(56) Planned Parenthood founder Margaret Sanger argued in the early twentieth century that birth control would open the way to the eugenicist. Sanger argued that birth control could be used to reduce the "ever increasing, unceasingly spawning class of human beings who never should have been born at all;

(57) This argument was later adopted by abortion advocates, such as Planned Parenthood President Alan Guttmacher, who endorsed abortion for eugenic purposes. Guttmacher argued in the 1950's that abortion should be used to prevent the birth of disabled children. Legal scholar Glanville Williams, whose book was cited in the majority opinion in *Roe v. Wade*, argued in a book published in the 1950's that a "eugenic killing by a mother . . . cannot confidently be pronounced immoral;

(58) Some continue to support the goal of reducing undesirable populations through selective reproduction;

(59) Today, the individualized nature of abortion creates a significant risk that prenatal screening tests and new technologies will be used to eliminate children with unwanted characteristics;

(60) There is substantial evidence from across the globe and in the United States that the elimination of children with unwanted characteristics is already occurring. The abortion rate for children diagnosed with Down syndrome in utero approaches one hundred percent (100%) in Iceland, ninety eight percent (98%) in Denmark, ninety percent (90%) in the United Kingdom, and seventy seven percent (77%) in France. Even in the United States, the abortion rate for children with Down Syndrome is sixty seven percent (67%). Widespread sex-selective abortions in Asia have led to as many as one hundred sixty (160) million "missing" women. In India, as a result of the abortion of 300,000-700,000 female unborn children each year over several decades, there are currently about fifty (50) million more men than women in the country. Recent evidence also suggests that sex-selective abortions of girls are common among certain populations in the United States;

(61) Sex-selective abortion results in an unnatural sex ratio imbalance that can impede members of the numerically predominant sex from finding partners, encourage the commoditization of humans in the form of human trafficking, and create other societal harms. Sex-selective abortion also reinforces discriminatory and sexist stereotypes toward women by devaluing and dehumanizing females;

(62) In this state, from 2008 through 2017, the rate of abortion per one thousand (1,000) women was nearly four (4) times higher for nonwhite women than white women, with a rate of 7.6 on average for all women, 4.6 for white women, and 16.0 for nonwhite women. The ratio of abortions to one thousand (1,000) live births in this state from 2008-

2017 was nearly three (3) times higher for nonwhite women than white women, with an average of 138.2 for all women, 85.1 for white women, and 294.4 for nonwhite women;

(63) The use of abortion as a means to prefer one (1) sex over another or to discriminate based on disability or race is antithetical to the core values equality, freedom, and human dignity enshrined in both the United States and Tennessee Constitutions. The elimination of bias and discrimination against pregnant women, their partners, and their family members, including unborn children, is a fundamental obligation of government in order to guarantee those who are, according to the Declaration of Independence, "endowed by their Creator with certain unalienable Rights" can enjoy "Life, Liberty, and the pursuit of Happiness";

(64) This state has historically protected its interest in preserving the integrity of the medical profession by enacting a comprehensive statutory framework for ensuring the integrity of the medical profession in title 63;

(65) The general assembly first adopted an act creating the Board of Medical Examiners in 1901, with the mission to protect the health, safety, and welfare of the people of this state and to ensure the highest degree of professional conduct;

(66) As the Supreme Court of the United States acknowledged in *Gonzales v. Carhart*, 550 U.S. 124, 157 (2007) (citing *Washington v. Glucksberg*, 521 U.S. 702, 731 (1997)), "the government has an interest in protecting the integrity and ethics of the medical profession." Under U.S. Supreme Court precedents, it is clear the State has a significant role to play in regulating the medical profession;

(67) Physician involvement in medical practices that cause fetal pain has been rejected by the international community;

(68) Physician involvement in medical practices that facilitate discrimination is antithetical to the United States and Tennessee constitutions' affirmation of equal protection under the law;

(69) The integrity and public respect of the medical profession are significantly harmed by physician involvement in practices that have been rejected by the international community, facilitate discrimination, or otherwise create a disdain for life;

(70) This state has a legitimate, substantial, and compelling interest in valuing and protecting unborn children;

(71) This state has a legitimate, substantial, and compelling interest in protecting the physical and mental health of the mother;

(72) This state has a legitimate, substantial, and compelling interest in promoting human dignity;

(73) This state has a legitimate, substantial, and compelling interest in encouraging childbirth over abortion;

(74) This state has a legitimate, substantial, and compelling interest in safeguarding an unborn child from the serious harm of pain by an abortion method that would cause the unborn child to experience pain;

(75) This state has a legitimate, substantial, and compelling interest in resolving untenable inconsistencies and incongruities in state law which permits some unborn children to be killed by abortion, while requiring that unborn children be protected and valued in non-abortion circumstances including, but not limited to, criminal provisions related to the infliction of harms against persons, state programs intended to aid prenatal healthcare, and state sponsored healthcare for unborn children;

(76) This state has a legitimate, substantial, and compelling interest in protecting the integrity and ethics of the medical profession, including by prohibiting medical practices that might cause the medical profession to become insensitive, even disdainful, to life, including the life of the unborn child; and

(77) This state has a legitimate, substantial, and compelling interest in preventing discrimination.

(b) Purpose.

(1) The purpose of this section is to provide legislative intent and reasoning underlying the enactment of laws to protect maternal health, and to preserve, promote, and protect life and potential life throughout pregnancy, including, but not limited to, §§ 39-15-215-- 39-15-217.

(2) The unique nature of abortion and its potential physical and mental health risks, as well as the ultimate result of the death of an unborn child, necessitates that this state ensure every woman considering an abortion is provided with adequate comprehensive information before deciding to obtain an abortion. The mandatory provision of an ultrasound prior to the abortion substantially furthers this compelling state interest.

(3) The presence of a fetal heartbeat is a medically significant indicator of life and the potential successful development of an unborn child. This state's legitimate, substantial, and compelling interest in protecting unborn children warrants the restriction of abortion in cases where the heartbeat is detectable.

(4) The unnecessary infliction of pain upon the life of an unborn child is inconsistent with Tennessee law that would otherwise protect the life and health of an unborn child, undermines the integrity of and public trust in the medical profession, and conflicts with the this state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women. Therefore, it is necessary to enact protections against the infliction of pain, and death, upon an unborn child who is capable of experiencing pain.

(5) Advances in science and medical practice have decreased the gestational age of an unborn child's viability to survive. This state's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of

the unborn child, and protecting the life, physical health, and mental health of women require the enactment of a series of gestational age restrictions on the provision of an abortion.

(6) The historical use of abortion as a means to discriminatory ends is fundamentally objectionable and conflicts with this state's legitimate, substantial, and compelling interest in preventing discrimination and discriminatory practices. Therefore, it is necessary for this state to enact protections that prevent sex, racial, and disability discrimination against unborn children.

(7) Life begins at conception, and nothing in this act shall be interpreted or construed to suggest that it is the intent or purpose of the legislature to condone abortion of an unborn child at any time after conception. The legislature specifically acknowledges the provisions of § 39-15-213 that will prohibit all abortion effective on the thirtieth day after issuance of a judgment overruling, in whole or in part, *Roe v. Wade*, as modified by *Planned Parenthood v. Casey*, or adoption of an amendment to the Constitution, restoring state authority to prohibit abortion.

39-15-215.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Auscultate" means to examine by listening for sounds made by internal organs of the fetus, including a fetal heartbeat, in accordance with standard medical practice utilizing current medical technology and methodology;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will

engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(5) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor a developing fetus; and

(6) "Ultrasound technician" means a person at least eighteen (18) years of age who:

(A) Has earned a technical certificate from a sonography program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or Canadian Medical Association (CMA);

(B) Is currently certified by the American Registry for Diagnostic Medical Sonography (ARDMS) in the specialty in which the person is currently practicing;

(C) Is currently certified by the American Registry of Radiologic Technologists (ARRT) in sonography;

(D) Is in the process of applying for registration with the ARDMS, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer; or

(E) Is in the process of applying for registration with the ARRT, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer.

(b) Prior to a pregnant woman giving informed consent to having an abortion, as required by § 39-15-202, the physician who is performing or inducing, or attempting to perform or induce, an abortion, shall:

(1) Determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice;

(2) Inform the pregnant woman the gestational age of the unborn child;

(3) Perform an obstetric ultrasound in accordance with generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine whether a fetal heartbeat exists;

(4) Auscultate the fetal heartbeat of the unborn child, if any, so that the pregnant woman may hear the heartbeat if the heartbeat is audible;

(5) Provide a simultaneous explanation of what the ultrasound is depicting, which must include the presence and location of the unborn child within the uterus, the dimensions of the unborn child, the presence of external members and internal organs if present and viewable, the number of unborn children depicted, and, if the ultrasound image indicates that fetal demise has occurred, inform the woman of that fact;

(6) Display the ultrasound images so that the pregnant woman may view the images;

(7) Record in the pregnant woman's medical record the presence or absence of a fetal heartbeat, the method used to test for the fetal heartbeat, the date and time of the test, and the estimated gestational age of the unborn child; and

(8) Obtain from the pregnant woman prior to performing or inducing, or attempting to perform or induce, an abortion, a signed certification that the pregnant woman was presented with the information required to be provided under this subsection (b), that the pregnant woman viewed the ultrasound images or declined to do so, and that the pregnant woman listened to the heartbeat if the heartbeat was audible or declined to do so. The signed certification must be in addition to any other documentation requirements under this part and must be on a form prescribed by the commissioner of health and be retained in the woman's medical record.

(c)

(1) The physician who is to perform or induce, or attempt to perform or induce, an abortion may delegate the responsibility to perform the obstetric ultrasound to an ultrasound technician, provided that the ultrasound technician is qualified and permitted by law to perform an obstetric ultrasound that complies with the requirements of subsection (b). An ultrasound technician performing an obstetric ultrasound under this subdivision (c)(1) shall perform the obstetric ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the qualified technician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(2) The physician who is to perform or induce, or attempt to perform or induce, an abortion may accept a certification from a referring physician that the referring physician has performed an obstetric ultrasound that complies with the requirements of subsection (b). The referring physician performing an obstetric ultrasound under this subdivision (c)(2) shall perform the obstetric ultrasound in a manner that complies with subsection (b), and the physician may rely on the signed certification obtained by the referring physician under subdivision (b)(8) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(d) When the ultrasound images and heartbeat sounds are provided to and reviewed with the pregnant woman, this section shall not be construed to prevent the pregnant woman from averting her eyes from the ultrasound images or requesting the volume of the heartbeat be reduced or turned off if the heartbeat is audible. The

physician or ultrasound technician performing the ultrasound shall be permitted to comply with the request of the pregnant woman. The physician, the ultrasound technician, and the pregnant woman shall not be subject to any penalty if the pregnant woman refuses to look at the displayed ultrasound images or to listen to the heartbeat if the heartbeat is audible.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature

infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) Performing or inducing, or attempting to perform or induce, an abortion in violation of the requirements of this section is a Class C felony.

(g) A violation of subsection (c) by an ultrasound technician or referring physician whose performance of an ultrasound pursuant to subsection (c) is relied upon by a physician in performing or inducing, or attempting to perform or induce, an abortion is a Class E felony.

(h) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of this section is not guilty of violating this section or attempting to commit or conspiring to commit a violation of this section.

(i) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(j) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age is later found to be unenforceable, unconstitutional, or invalid.

(k)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting

more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

39-15-216.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the heart of an unborn child;

(3) "Gestational age" or "gestation" has the same meaning as defined in § 39-15-211;

(4) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that a medical emergency does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will

engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(5) "Unborn child" has the same meaning as defined in § 39-15-211; and

(6) "Viable" has the same meaning as defined in § 39-15-211.

(b)

(1) Before performing or inducing, or attempting to perform or induce, an abortion, the physician shall determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice.

(2) A violation of subdivision (b)(1) is a Class C felony.

(c)

(1) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child has a fetal heartbeat. A violation of this subdivision (c)(1) is a Class C felony.

(2) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is six (6) weeks gestational age or older unless, prior to performing or inducing the abortion, or attempting to perform or induce the abortion, the physician affirmatively determines and records in the pregnant woman's medical record that, in the physician's good faith medical judgment, the unborn child does not have a fetal heartbeat at the time of the abortion. In making the good faith medical determination, the physician shall utilize generally accepted standards of medical practice using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine the existence or non-existence of a fetal heartbeat. A violation of this subdivision (c)(2) is a Class C felony.

(3) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eight (8) weeks gestational age or older. A violation of this subdivision (c)(3) is a Class C felony.

(4) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is ten (10) weeks gestational age or older. A violation of this subdivision (c)(4) is a Class C felony.

(5) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twelve (12) weeks gestational age or older. A violation of this subdivision (c)(5) is a Class C felony.

(6) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is fifteen (15) weeks gestational age or older. A violation of this subdivision (c)(6) is a Class C felony.

(7) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eighteen (18) weeks gestational age or order. A violation of this subdivision (c)(7) is a Class C felony.

(8) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty (20) weeks gestational age or older. A violation of this subdivision (c)(8) is a Class C felony.

(9) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-one (21) weeks gestational age or older. A violation of this subdivision (c)(9) is a Class C felony.

(10) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-two (22) weeks gestational age or older. A violation of this subdivision (c)(10) is a Class C felony.

(11) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-three (23) weeks gestational age or older. A violation of this subdivision (c)(11) is a Class C felony.

(12) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-four (24) weeks gestational age or older. A violation of this subdivision (c)(12) is a Class C felony.

(d)

(1) A person shall not be convicted of violating more than one (1) subdivision of subsection (c) for any one (1) abortion that the person performed, induced, or attempted to perform or induce.

(2) This section does not permit the abortion of a viable unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to

the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged

for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of any provision of this section is not guilty of violating, or of attempting to commit or conspiring to commit a violation of, this section.

(g) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(h) If any provision or provisions of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of the section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person, circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(i)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision of this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

39-15-217.

(a) As used in this section:

(1) "Abortion" has the same meaning as defined in § 39-15-211;

(2) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one or an effective trisomy for chromosome twenty-one;

(3) "Medical emergency" has the same meaning as defined in § 39-15-211; provided, that it does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function; and

(4) "Unborn child" has the same meaning as defined in § 39-15-211.

(b) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the sex of the unborn child.

(c) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the race of the unborn child.

(d) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of a prenatal diagnosis, test, or screening indicating Down syndrome or the potential for Down syndrome in the unborn child.

(e)

(1) Subject to compliance with subdivision (e)(2), it is an affirmative defense to criminal prosecution for a violation of a provision of this section that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the provision.

(2) In order for the affirmative defense in subdivision (e)(1) to apply, a physician who performs or induces, or attempts to perform or induce, an abortion because of a medical emergency must comply with each of the following conditions unless the medical emergency also prevents compliance with the condition:

(A) The physician who performs or induces, or attempts to perform or induce, the abortion certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time, compliance with the provision was prevented by a medical emergency;

(B) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(C) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. The hospital must have appropriate neonatal services for premature infants unless there is no hospital within thirty (30) miles with neonatal services and the physician who intends to perform or induce the abortion has admitting privileges at the hospital where the abortion is to be performed or induced;

(D) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(E) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

(f) A violation of subsections (b)-(d) is a Class C felony.

(g) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of subsections (b)-(d), is not guilty of violating the subsections, or of attempting to commit or conspiring to commit a violation of the subsections.

(h) When a physician is criminally charged with a violation of this section, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this section.

(i) If any provision of this section or the application thereof to any person, circumstance, or period of gestational age is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, the same is hereby declared to be severable and the remainder of this section shall remain effective. The general assembly hereby declares that it would have enacted this section and each of its provisions, even if any provision of this section or the application thereof to any person,

circumstance, or period of gestational age was later found to be unenforceable, unconstitutional, or invalid.

(j)

(1) It is the specific intent of the general assembly in this section to exercise to the greatest extent permitted by law the legitimate, substantial, and compelling state interest in protecting maternal health, and in preserving, promoting, and protecting life and potential life throughout pregnancy by enacting more protective requirements than provided for under this part as it existed prior to the effective date of this act.

(2) When this section is in direct conflict with this part as it existed prior to the effective date of this act, the more protective requirements of this section control over any less protective provision in this part. This section shall not be construed as a repeal, either express or implied, of any provision of this part as it existed prior to the effective date of this act.

(3) The general assembly specifically intends that this part as it existed prior to the effective date of this act shall remain and be enforceable if, and for so long as, any provisions of this section, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

(4) This section does not repeal or modify in any way § 39-15-213, as enacted by Public Chapter 351 of 2019, which shall control upon becoming effective. This section shall remain and be enforceable if, and for so long as, any provisions of § 39-15-213, or any part or parts thereof, are enjoined or otherwise barred by a court of competent jurisdiction.

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 shall be severable.

SECTION 4. 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. _____

AMEND Senate Bill No. 2196

House Bill No. 2263*

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

WHEREAS, depending on the gestational age of the pregnancy, it is standard medical practice to perform an ultrasound during the evaluation of a patient in consideration of an abortion. Determining accurate information regarding gestational development is important for purposes of informed consent, as well as making essential preparation for the procedure itself; in this state, ultrasounds are regularly provided to women seeking an abortion to determine if they are eligible for a medication abortion, and to review other factors related that cannot be determined prior to an examination of the patient; and

WHEREAS, in the forty-seven years since the United States Supreme Court's ruling in *Roe v. Wade*, 410 U.S. 113 (1973), there have been substantial advances in scientific methods and medical technology that have significantly expanded knowledge and understanding of prenatal life and development, and the effects of abortion on the physical and psychological health of women; and

WHEREAS, conception is the union of a sperm and egg to form a zygote, and at conception, a new and genetically distinct human being is formed; and

WHEREAS, the presence of a fetal heartbeat is medically significant because the heartbeat is a discernible sign of life at every stage of human existence. An unborn child's heart begins to beat at five weeks gestational age, and blood begins to flow during the sixth week. Depending on what type of equipment is utilized, an unborn child's heartbeat can be detected as early as six to eight weeks gestational age. An unborn child's heartbeat can consistently be made audible using a handheld Doppler fetal heart rate device by twelve weeks gestational age.



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A pregnancy can be confirmed through the detection of the unborn child's heartbeat. By the beginning of the second trimester, physicians view the absence of a fetal heartbeat as an instance of fetal death. It is standard medical practice to monitor an unborn child's heartbeat throughout pregnancy and labor to measure the heart rate and rhythm of the unborn child, which averages between one hundred ten and one hundred sixty beats per minute. This monitoring is used as an indicator of the health of the unborn child; and

WHEREAS, since the Supreme Court's decision in *Roe v. Wade*, medical professionals have expanded their understanding of life in utero to include, among other indicia, the presence of a heartbeat, brain development, a viable pregnancy or viable Intrauterine pregnancy during the first trimester of pregnancy, and the ability to experience pain. The detectability of a fetal heartbeat is a key predictor of survivability to term, especially if the heartbeat is present at eight weeks gestational age or later. When a fetal heartbeat is detected between eight and twelve weeks gestational age, the rate of miscarriage is extremely low, with approximately ninety-eight percent of naturally conceived pregnancies carrying to term; and

WHEREAS, at eight weeks gestational age, an unborn child begins to show spontaneous movements, and reflexive responses to touch. The majority of an unborn child's body is responsive to touch by fourteen weeks gestational age. Peripheral cutaneous sensory receptors, which are the receptors that feel pain, develop in an unborn child at around seven to eight weeks gestational age. Sensory receptors develop in the palmar regions during the tenth week of gestational age, growing throughout the unborn child's body by sixteen weeks gestational age. An unborn child's nervous system is established by six weeks gestational age. At this stage, the basic patterning of the early nervous system is in place and is the basis for tremendous growth and increased complexity built upon this basic pattern. The earliest neurons of the cortical brain, responsible for thinking, memory, and higher level functions, are established by the fourth week. Synapses are formed in the seventh week, and the neural connections for the most primitive responses to pain are in place by ten weeks gestation; and

WHEREAS, Substance P, a peptide functioning as a neurotransmitter in the transmission of pain, is present in the spinal cord of an unborn child at eight weeks gestational age, while enkephalin peptides, which serve as neurotransmitters in pain modulation, are present at twelve to fourteen weeks gestational age. There is significant evidence, based on peer-reviewed scientific studies, that unborn children are capable of experiencing pain by no later than twenty weeks gestational age. Pain receptor nerves are already present throughout the human body by twenty weeks gestation, and the cortex, which begins development at eight weeks, has a full complement of neurons at twenty weeks. There is evidence that an unborn child is capable of feeling pain as early as twelve to fifteen weeks gestational age. The scientific evidence shows that significant cortical neuronal connections are in place by ten to twelve weeks gestation, and that connections between the spinal cord and thalamus are nearly complete by twenty weeks gestation. A growing body of medical evidence and literature supports the conclusion that an unborn child may feel pain from around eleven to twelve weeks gestational age, or even as early as five and one-half weeks. At only eight weeks gestation, an unborn child exhibits reflexive movement during invasive procedures resulting from spinal reflex neuro pathways, showing that the unborn child reacts to noxious stimuli with avoidance reactions and stress responses. By sixteen weeks gestational age, pain transmission from a peripheral receptor to the cortex is possible. Significant evidence also shows hormonal stress responses by unborn children as early as eighteen weeks; and

WHEREAS, mothers considering abortion express concern over the medical information on fetal neurological development and an unborn child's ability to feel pain while in utero, and providing this information to mothers who are considering abortion is an important part of empowering mothers to make a fully informed choice on whether or not to seek an abortion; and

WHEREAS, medical evidence shows that younger infants are hypersensitive to pain. Neuronal mechanisms that inhibit or moderate pain sensations do not begin to develop until thirty-four to thirty-six weeks gestation and are not complete until a significant time after birth.

Newborn and preterm infants are hyperresponsive to pain compared to adults or older infants. The recognition of fetal pain has led to improvements and changes in how physicians approach fetal surgery and fetal anesthesia. The presence of neural connections and the ability to feel pain as early as the fifteenth week now necessitate treating the unborn child as a separate patient from the mother for purposes of utilizing direct analgesia to fetal patients, who clearly elicit stress responses to pain. Fetal surgeons at specialized units in St. Louis, Nashville, Cincinnati, Kansas City, Boston, and elsewhere, in response to their recognition of fetal pain, routinely use anesthesia and analgesia for unborn and premature infants undergoing surgery as young as eighteen weeks gestation; and

WHEREAS, the leading textbook on clinical anesthesia recognizes the significant body of evidence indicating the importance of mitigating fetal stress responses to pain stimuli. It is presumed that an unborn child's ability to fully experience pain occurs between twenty and thirty weeks, and that the fetal experience of pain may be even greater than that of term neonate or young children due to the immaturity of neurodevelopment that helps inhibit pain; and

WHEREAS, the infliction of unnecessary pain upon a living being is generally prohibited by state and federal law. The legislature has prohibited the unnecessary infliction of pain on living beings in a variety of circumstances in an effort to protect the innocent from harm. The life of an unborn child is recognized and protected from violence by federal law and by the laws of most states. The killing of an unborn child is considered homicide in thirty-eight states, with at least twenty-eight of those states criminalizing the act from conception. Nearly every state and the District of Columbia have wrongful death statutes that allow for liability and recovery for the death of an unborn child or subsequent death of an infant who is born and later dies because of injuries caused while in utero; and

WHEREAS, since the Supreme Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*, advances in science, technology, and treatment methods have resulted in children surviving and thriving at younger preterm ages than ever before. In recent years,

scientific advances and advances in neonatal care have lowered the gestational limits of survivability well into the second trimester; and

WHEREAS, the age at which a preterm infant can survive has decreased from twenty-eight weeks to less than twenty-two weeks. Survival of preterm infants has increased significantly over time assuming physicians provide active care for the young infants, lowering the age of survival from twenty-eight weeks to twenty-four weeks. Moreover, infants born as early as twenty-two weeks can survive with the provision of care and treatment. The youngest preterm infant to survive was born at only twenty-one weeks and four days. In 1978, the first infants weighing less than seven hundred fifty grams were successfully ventilated. By the 1990s, survival of infants born weighing between five hundred and seven hundred grams, roughly between twenty-four to twenty-six weeks, became possible. Technological developments in the 1980s and 1990s, such as improved tracheal instillation of surfactant for respiratory distress syndrome and antenatal corticosteroids, resulted in survival of infants born between twenty-three to twenty-four weeks. In recent years, resuscitation and survival of infants born weighing less than four hundred grams, or approximately twenty-two to twenty-three weeks gestational age, has further decreased the age of viability. The provision of active prenatal and postnatal care has significantly increased the number of prematurely born children who survive until hospital discharge; and

WHEREAS, abortions performed at any gestational age pose a risk to the mother. Abortion increases the risks of subsequent preterm birth and placenta previa, life-threatening hemorrhage, postpartum hemorrhage, and cesarean delivery. Abortions performed later in pregnancy pose an even higher medical risk to the health and life of women, with the relative risk increasing exponentially at later gestational ages after eight weeks gestational age. The relative risk of death for pregnant women who had an abortion performed or induced upon her at eleven to twelve weeks gestational age is between three and four times higher than an abortion at eight weeks gestational age or earlier; and

WHEREAS, the relative risk of death for pregnant women who had an abortion performed or induced upon her at thirteen to fifteen weeks gestational age is almost fifteen times higher than an abortion at eight weeks gestational age or earlier. The relative risk of death for pregnant women who had an abortion performed or induced upon her at sixteen to twenty weeks gestational age is almost thirty times higher than an abortion at eight weeks gestational age or earlier. The relative risk of death for pregnant women who had an abortion performed or induced upon her at twenty-one weeks gestational age or later is more than seventy-five times higher than an abortion at eight weeks gestational age or earlier; and

WHEREAS, women who have an abortion suffer from post-traumatic stress disorder at a rate slightly higher than veterans of the Vietnam War. Women who have an abortion have an eighty-one percent increased risk of mental trauma after an abortion. Abortion has been shown to correlate with many other mental health disorders as well; and

WHEREAS, the historical development of abortion is undeniably tied to bias and discrimination by some organizations, leaders, and policies toward impoverished and minority communities, including the imposition of forced sterilization of the intellectually disabled, poor, minority, and immigrant women. These historic policies should be rejected and left on the ash heap of history; and

WHEREAS, Planned Parenthood founder Margaret Sanger argued in the early twentieth century that birth control would open the way to the eugenicist. Sanger argued that birth control could be used to reduce the "ever increasing, unceasingly spawning class of human beings who never should have been born at all." This argument was later adopted by abortion advocates, such as Planned Parenthood President Alan Guttmacher, who endorsed abortion for eugenic purposes. Guttmacher argued in the 1950s that abortion should be used to prevent the birth of disabled children. Legal scholar Glanville Williams, whose book was cited in the majority opinion in *Roe v. Wade*, argued in a book published in the 1950s that a "eugenic killing by a mother . . . cannot confidently be pronounced immoral." Some continue to support the goal of

reducing undesirable populations through selective reproduction. Today, the individualized nature of abortion creates a significant risk that prenatal screening tests and new technologies will be used to eliminate children with unwanted characteristics. Recent evidence also suggests that sex-selective abortions of girls are common among certain populations in the United States; and

WHEREAS, sex-selective abortion results in an unnatural sex ratio imbalance that can impede members of the numerically predominant sex from finding partners, encourage the commoditization of humans in the form of human trafficking, and create other societal harms. Sex-selective abortion also reinforces discriminatory and sexist stereotypes toward women by devaluing and dehumanizing females; and

WHEREAS, in this State, from 2008 through 2017, the rate of abortion per one thousand women was nearly four times higher for nonwhite women than white women, with a rate of 7.6 on average for all women, 4.6 for white women, and 16.0 for nonwhite women. The ratio of abortions to one thousand live births in this State from 2008 to 2017 was nearly three times higher for nonwhite women than white women, with an average of 138.2 for all women, 85.1 for white women, and 294.4 for nonwhite women; and

WHEREAS, the use of abortion as a means to prefer one sex over another or to discriminate based on disability or race is antithetical to the core values of equality, freedom, and human dignity enshrined in both the United States and Tennessee constitutions. The elimination of bias and discrimination against pregnant women, their partners, and their family members, including unborn children, is a fundamental obligation of government in order to guarantee those who are, according to the Declaration of Independence, "endowed by their Creator with certain unalienable Rights" can enjoy "Life, Liberty, and the pursuit of Happiness"; and

WHEREAS, this State has historically protected its interest in preserving the integrity of the medical profession by enacting a comprehensive statutory framework for ensuring the

integrity of the medical profession in title 63. The General Assembly first adopted an act creating the Board of Medical Examiners in 1901, with the mission to protect the health, safety, and welfare of the people of this State and to ensure the highest degree of professional conduct; and

WHEREAS, physician involvement in medical practices that cause fetal pain has been rejected by the international community. Physician involvement in medical practices that facilitate discrimination is antithetical to the United States and Tennessee constitutions' affirmation of equal protection under the law. The integrity and public respect of the medical profession are significantly harmed by physician involvement in practices that facilitate discrimination, or otherwise create a disdain for life; and

WHEREAS, this State has a legitimate, substantial, and compelling interest in:

- (1) Valuing and protecting unborn children;
- (2) Protecting the physical and mental health of the mother;
- (3) Promoting human dignity;
- (4) Encouraging childbirth over abortion;
- (5) Safeguarding an unborn child from the serious harm of pain by an abortion method that would cause the unborn child to experience pain;
- (6) Resolving untenable inconsistencies and incongruities in state law which permits some unborn children to be killed by abortion, while requiring that unborn children be protected and valued in non-abortion circumstances, including, but not limited to, criminal provisions related to the infliction of harms against persons, state programs intended to aid prenatal health care, and state-sponsored health care for unborn children;
- (7) Protecting the integrity and ethics of the medical profession, including by prohibiting medical practices that might cause the medical profession to become insensitive, even disdainful, to life, including the life of the unborn child; and

(8) Preventing discrimination; and

WHEREAS, the unique nature of abortion and its potential physical and mental health risks, as well as the ultimate result of the death of an unborn child, necessitates that this State ensure every woman considering an abortion is provided with adequate comprehensive information before deciding to obtain an abortion. The mandatory provision of an ultrasound prior to the abortion substantially furthers this compelling State interest; and

WHEREAS, the presence of a fetal heartbeat is a medically significant indicator of life and the potential successful development of an unborn child. This State's legitimate, substantial, and compelling interest in protecting unborn children warrants the restriction of abortion in cases where the heartbeat is detectable; and

WHEREAS, the unnecessary infliction of pain upon the life of an unborn child is inconsistent with Tennessee law that would otherwise protect the life and health of an unborn child, undermines the integrity of and public trust in the medical profession, and conflicts with this State's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women. Therefore, it is necessary to enact protections against the infliction of pain, and death, upon an unborn child who is capable of experiencing pain; and

WHEREAS, advances in science and medical practice have decreased the gestational age of an unborn child's viability to survive. This State's legitimate, substantial, and compelling interest in protecting the life of an unborn child, protecting the integrity of the medical profession, resolving the conflict in state laws intended to protect the health of the unborn child, and protecting the life, physical health, and mental health of women require the enactment of a series of gestational age restrictions on the provision of an abortion; and

WHEREAS, the historical use of abortion as a means to discriminatory ends is fundamentally objectionable and conflicts with this State's legitimate, substantial, and

compelling interest in preventing discrimination and discriminatory practices. Therefore, it is necessary for this State to enact protections that prevent sex, racial, and disability discrimination against unborn children; and

WHEREAS, life begins at conception, and nothing in this act shall be interpreted or construed to suggest that it is the intent or purpose of the legislature to condone abortion of an unborn child at any time after conception. The legislature specifically acknowledges the provisions of § 39-18-105(a) that will prohibit all abortion effective on the thirtieth day after issuance of a judgment overruling, in whole or in part, *Roe v. Wade*, as modified by *Planned Parenthood v. Casey*, or adoption of an amendment to the United States Constitution, restoring state authority to prohibit abortion; now, therefore,

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

SECTION 1. 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 and to label the new chapter added pursuant to Section 2 of this act as "**Offenses Against the Unborn**".

SECTION 2. Tennessee Code Annotated, Title 39, is amended by adding the following new chapter:

39-18-101. Definitions.

As used in this chapter:

(1) "Abortion" means the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus;

(2) "Auscultate" means to examine by listening for sounds made by internal organs of the fetus, including a fetal heartbeat, in accordance with standard medical practice utilizing current medical technology and methodology;

(3) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one or an effective trisomy for chromosome twenty-one;

(4) "Fertilization" means that point in time when a male human sperm penetrates the zona pellucida of a female human ovum;

(5) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the heart of an unborn child;

(6) "Gestational age" or "gestation" means the age of an unborn child as calculated from the first day of the last menstrual period of a pregnant woman;

(7) "Medical emergency" means a condition that, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, so complicates the woman's pregnancy as to necessitate the immediate performance or inducement of an abortion in order to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman that delay in the performance or inducement of the abortion would create; however, "medical emergency" does not include a claim or diagnosis related to the woman's mental health or a claim or diagnosis that the woman will engage in conduct which would result in her death or substantial and irreversible impairment of a major bodily function;

(8) "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor a developing fetus;

(9) "Pregnant" means the human female reproductive condition of having a living unborn child within her body throughout the entire embryonic and fetal stages of the unborn child from fertilization until birth;

(10) "Ultrasound technician" means a person at least eighteen (18) years of age who at the time of the commission of the acts constituting the offense:

(A) Has earned a technical certificate from a sonography program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or Canadian Medical Association (CMA);

(B) Is currently certified by the American Registry for Diagnostic Medical Sonography (ARDMS) in the specialty in which the person is currently practicing;

(C) Is currently certified by the American Registry of Radiologic Technologists (ARRT) in sonography;

(D) Is in the process of applying for registration with the ARDMS, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer; or

(E) Is in the process of applying for registration with the ARRT, provided that the applicant satisfies the requirements for registration within ninety (90) days of becoming employed as a sonographer;

(11) "Unborn child" means an individual living member of the species, homo sapiens, throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth; and

(12) "Viable" and "viability" mean that stage of fetal development when the unborn child is capable of sustained survival outside of the womb, with or without medical assistance.

39-18-102. Severability.

If any provision or provisions of this chapter or chapter 16, part 2, or the application of the provision to any person, or circumstance, is found to be unenforceable, unconstitutional, or invalid by a court of competent jurisdiction, then the provision or

application is declared to be severable and the remainder of the provision or application remains in effect.

39-18-103. Savings clause.

This chapter is not an express or implied repeal of any provision in chapter 15, part 2.

39-18-104. Prosecution of offenses.

A person shall not be prosecuted for a violation of more than one (1) subsection of § 39-18-105 based upon the same set of facts.

39-18-105. Offense committed against the unborn.

(a)

(1) A person who performs or attempts to perform an abortion commits the offense of criminal abortion.

(2) It is an affirmative defense to prosecution under subsection (a), which must be proven by a preponderance of the evidence, that:

(A) The abortion was performed or attempted by a licensed physician;

(B) The physician determined, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. No abortion is authorized under this subdivision (a)(2) if performed on the basis of a claim or a diagnosis that the woman will engage in conduct that will result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health; and

(C) The physician performs or attempts to perform the abortion in the manner which, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless in the physician's good faith medical judgment, termination of the pregnancy in that manner would pose a greater risk of the death of the pregnant woman or substantial and irreversible impairment of a major bodily function. No such greater risk exists if it is based on a claim or diagnosis that the woman will engage in conduct that will result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health.

(3) Medical treatment provided to the pregnant woman by a licensed physician which results in the accidental death of or unintentional injury to or death of the unborn child does not constitute a violation of subdivision (a)(1).

(b) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child has a fetal heartbeat.

(c)

(1) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is six (6) weeks gestational age or older unless, prior to performing or inducing the abortion, or attempting to perform or induce the abortion, the physician affirmatively determines and records in the pregnant woman's medical record that, in the physician's good faith medical judgment, the unborn child does not have a fetal heartbeat at the time of the abortion.

(2) For purposes of subdivision (c)(1), "good faith medical judgment" means judgment utilizing generally accepted standards of medical practice and

using current medical technology and methodology applicable to the gestational age of the unborn child and reasonably calculated to determine the existence or non-existence of a fetal heartbeat as determined at the time of the commission of the act.

(d) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eight (8) weeks gestational age or older.

(e) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is ten (10) weeks gestational age or older.

(f) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twelve (12) weeks gestational age or older.

(g) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is fifteen (15) weeks gestational age or older.

(h) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is eighteen (18) weeks gestational age or older.

(i) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty (20) weeks gestational age or older.

(j) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-one (21) weeks gestational age or older.

(k) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-two (22) weeks gestational age or older.

(l) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-three (23) weeks gestational age or older.

(m) A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman whose unborn child is twenty-four (24) weeks gestational age or older.

39-18-106. Ultrasound requirements.

(a)

(1) Prior to a pregnant woman giving informed consent to have an abortion, as required by § 39-15-202, the physician who is performing or inducing, or attempting to perform or induce, an otherwise lawful abortion, shall:

(A) Determine the gestational age of the unborn child in accordance with generally accepted standards of medical practice;

(B) Inform the pregnant woman the gestational age of the unborn child;

(C) Perform an obstetric ultrasound applicable to the gestational age of the unborn child, using medical technology and methodology current at the time the ultrasound is performed, and reasonably calculated to determine whether a fetal heartbeat exists;

(D) Auscultate the fetal heartbeat of the unborn child, if any, so that the pregnant woman may hear the heartbeat if the heartbeat is audible;

(E) Provide a simultaneous explanation of what the ultrasound is depicting, which must include the presence and location of the unborn child within the uterus, the dimensions of the unborn child, the presence of external members and internal organs if present and viewable, the number of unborn children depicted, and, if the ultrasound image indicates that fetal demise has occurred, inform the woman of that fact;

(F) Display the ultrasound images so that the pregnant woman may view the images;

(G) Record in the pregnant woman's medical record the presence or absence of a fetal heartbeat, the method used to test for the fetal heartbeat, the date and time of the test, and the estimated gestational age of the unborn child; and

(H) Obtain from the pregnant woman prior to performing or inducing, or attempting to perform or induce, an abortion, a signed certification that the pregnant woman was presented with the information required to be provided under this subsection (a), that the pregnant woman viewed the ultrasound images or declined to do so as allowed pursuant to subsection (d), and whether the pregnant woman listened to the heartbeat if the heartbeat was audible or declined to do so as allowed pursuant to subsection (d). The signed certification must be in addition to any other documentation requirements under this chapter and must be on a form prescribed by the commissioner of health that is retained in the woman's medical record.

(2) The requirements of this subsection (a) shall be separate and do not substitute for any of the requirements set out in § 39-15-202.

(b)

(1) A physician may delegate the responsibility to perform the obstetric ultrasound to an ultrasound technician pursuant to subdivision (a)(1)(C) who is qualified and permitted by law to perform an obstetric ultrasound that complies with the requirements of subdivision (a)(1)(C). An ultrasound technician performing an obstetric ultrasound under this subdivision (b)(1) must perform the obstetric ultrasound in a manner that complies with subsection (a), and the physician may rely on the signed certification obtained by the qualified technician under subdivision (a)(1)(C) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(2) A physician who is to perform or induce, or attempt to perform or induce, an abortion may accept a certification from a referring physician that the referring physician has performed an obstetric ultrasound that complies with the requirements of subsection (a). The referring physician performing an obstetric ultrasound under this subdivision (b)(2) must perform the obstetric ultrasound in a manner that complies with subsection (a), and the physician may rely on the signed certification obtained by the referring physician under subdivision (a)(1)(H) to establish that an ultrasound was performed in compliance with this section, unless the physician knows, or in the exercise of reasonable care should know, that an ultrasound was not performed in accordance with this section.

(c) It is not a violation of this section for a physician or ultrasound technician to allow a pregnant woman to avert her eyes from the ultrasound images or request the volume of the heartbeat be made inaudible. It is not a violation of this section if the pregnant woman refuses to look at the displayed ultrasound images or to listen to the heartbeat if the heartbeat is audible.

39-18-107. Eugenics.

A person shall not perform or induce, or attempt to perform or induce, an abortion upon a pregnant woman if the person knows that the woman is seeking the abortion because of the unborn child's sex, race, or prenatal diagnosis, test, or screening indicating a genetic abnormality or potential genetic abnormality that does not threaten the life of the mother.

39-18-108. Exception to offenses in this chapter.

(a) Subject to compliance with subsection (b), it is an exception to § 39-18-105 and § 39-18-106 that, in the physician's reasonable medical judgment, a medical emergency prevented compliance with the section.

(b) In order for the exception in subdivision (a)(1) to apply, a physician must comply with the following conditions at the time of commission of the act, unless the medical emergency prevents compliance with any of the conditions set out in subdivisions (b)(1) – (5):

(1) The physician certifies in writing that, in the physician's good faith, reasonable medical judgment, based upon the facts known to the physician at the time of commission of the offense, compliance with the charged offense was prevented by a medical emergency;

(2) The physician certifies in writing the available methods or techniques considered and the reasons for choosing the method or technique employed;

(3) If the unborn child is presumed to be viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician performs or induces, or attempts to perform or induce, the abortion in a hospital. For purposes of this subdivision (b)(3), a "hospital" means a facility:

(A) With neonatal services for premature infants at the time an abortion is performed or induced, unless there is no facility within thirty

(30) miles with neonatal services of where the abortion is performed or induced; and

(B) Where the physician has admitting privileges;

(4) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, that the termination of the pregnancy in that manner poses a significantly greater risk of the death of the pregnant woman or a significantly greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion; and

(5) If the unborn child is presumed viable under § 39-15-211 or determined to be viable under § 39-15-212, the physician who performs or induces, or attempts to perform or induce, the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced, or attempted to be performed or induced, at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.

39-18-109. Penalties.

(a) Except as otherwise provided in this section, a violation of any provision of this chapter by a person is a Class C felony.

(b) A violation of § 39-18-106 by an ultrasound technician or referring physician whose performance of an ultrasound is relied upon by a physician in performing or inducing, or attempting to perform or induce, an abortion is a Class E felony.

(c) A pregnant woman upon whom an abortion is performed or induced, or attempted to be performed or induced, in violation of any provision of this chapter is not guilty of violating, or of attempting to commit or conspiring to commit a violation of, any provision of this chapter.

(d) When a physician is criminally charged with a violation of this chapter, the physician shall report the charge to the board of medical examiners in writing within seven (7) calendar days of acquiring knowledge of the charge. The report must include the jurisdiction in which the charge is pending, if known, and must also be accompanied by a copy of the charging documents, if available. A district attorney general shall promptly notify the board of medical examiners when a physician is charged with a violation of this chapter. It is not a violation of this chapter for a district attorney general to fail to notify the board of medical examiners pursuant to this subsection (d).

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by deleting the section in its entirety.

SECTION 4. Tennessee Code Annotated, Section 37-10-304(c)(2), is amended by deleting the subdivision.

SECTION 5.

(a) Section 39-18-105(a) of this act shall take effect on the thirtieth day following the occurrence of either of the following circumstances, the public welfare requiring it:

(1) The issuance of the judgment in any decision of the United States Supreme Court overruling, in whole or in part, *Roe v. Wade*, 410 U.S. 113 (1973), as modified by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992), thereby restoring to the states their authority to prohibit abortion; or

(2) Adoption of an amendment to the United States Constitution that, in whole or in part, restores to the states their authority to prohibit abortion.

(b)

(1) The attorney general and reporter shall notify in writing the Tennessee Code Commission of the occurrence of either of the circumstances in (a)(1) or (a)(2) and what date is the thirtieth day following such occurrence.

(2) The attorney general and reporter shall notify in writing the Tennessee Code Commission if any prohibition in § 39-18-105 (b) – (m) are enjoined by a court.

(c) All other provisions of this act not listed in subsection (a) shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2576

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2215*

House Bill No. 2576

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

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

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

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

(6) "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.

Amendment No. 1 to HB2576

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2215*

House Bill No. 2576

(b)

(1) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has not yet entered puberty.

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

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

(B) At least one (1) physician 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 (b)(2)(A).

(3) It is not a violation of this subsection (b) if the minor has:

(A) A confirmed diagnosis of an abnormal birth defect involving genitalia or gonads;

(B) Genetic anomalies involving X or Y chromosomes;

(C) Physical disease with life-threatening consequences absent such intervention; or

(D) An accident involving irreparable mutilation of genitalia.

(c)

(1) A violation of this section is punishable as a Class A misdemeanor pursuant to § 39-15-401 regardless of the minor's age.

(2) A healthcare professional who violates this section 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 (c)(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 (c)(1), a violation of this section by a healthcare professional constitutes professional misconduct and is subject to discipline by the healthcare professional's licensing authority.

SECTION 2. Tennessee Code Annotated, Section 39-15-401(g), is amended by deleting the language "dehydration or acts of female genital mutilation as defined in § 39-13-110" and substituting instead the language "dehydration, acts of female genital mutilation as defined in § 39-13-110, or the provision of sexual identity change therapy to a child in violation of Section 1".

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

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2331*

House Bill No. 2493

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

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following as a new chapter:

(a) As used in this chapter:

(1) "Honorably discharged veteran" means any person who has been honorably discharged from the army, navy, air force, marine corps, or coast guard, or any person who has been honorably discharged from a reserve component as defined in 10 U.S.C. § 10101, having performed active federal service in the armed forces of the United States;

(2) "Licensing authority" means a state board, agency, or commission, attached to the division of regulatory boards, as listed in § 4-3-1304(a), with the authority to impose training, education, or licensure fees to practice in an occupation regulated under this title; and

(3) "Member of the armed forces" means a member of the United States armed forces or a member of a reserve or Tennessee national guard unit who is in, or was called into, active service or active military service of the United States, as defined in § 58-1-102.

(b) Members of the United States armed forces and persons who are honorably discharged veterans are eligible to receive equivalent credit toward the receipt of an occupational license regulated under this title relating to the training received while serving in the armed forces if the training is consistent with requirements for licensure as



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determined by the applicable licensing authority. In order to receive credit in accordance with this subsection (b), the member of the armed forces or honorably discharged veteran shall submit to the applicable licensing authority as evidence of training a certificate from:

- (1) The United States department of defense; or
- (2) The United States department of veterans affairs.

(c) Any person aggrieved by a decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner with oversight authority for the licensing authority, or the commissioner's designee, for a determination of whether the training meets the requirements for licensure. An appeal under this subsection (c) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Each commissioner with oversight authority for a licensing authority of an occupation regulated under this title, in collaboration with the commissioner of veterans services, shall promulgate rules to effectuate this section. All rules must be promulgated 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 January 1, 2021.

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Arndt. _____

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):



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(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.

VanHuss

Amendment No. _____

Signature of Sponsor

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

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)

(A) Except as provided in subdivision (c)(1)(B), medical records of deceased persons, law enforcement investigative reports, and photographs, video, and other images of deceased persons are not public records.

(B) Notwithstanding any law to the contrary and for purposes of determining cause of death, a county medical examiner may obtain the mental health records of a deceased person who is suspected to have committed suicide.

(2) Except as provided in subdivision (c)(3) and (4), 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;

(B) Upon a request by the decedent's next of kin or a legal representative of the next of kin; or



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(C) Upon request by an insurance company or its agent in relation to the investigation of an insurance claim.

(4) Notwithstanding any law to the contrary, an organ procurement organization, as defined in § 68-30-102, may obtain the autopsy report of a deceased person.

(5) 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.

(6) 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.

Amendment No. _____

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

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 63-13-301, 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 4. Tennessee Code Annotated, Section 63-13-303(a), is amended by deleting the subsection and substituting the following:



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(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 a healthcare practitioner who qualifies as a referring 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 5. 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 6. 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 7. 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 8. 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 9. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivisions (a)(1) and (b)(1).

SECTION 10. 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 11. Tennessee Code Annotated, Section 63-13-307, is amended by deleting subdivision (d)(1).

SECTION 12. 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 13. 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 14. 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 15. 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 16. 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 17. This act shall take effect upon becoming a law, the public welfare requiring it, and applies to actions occurring on or after that date.

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 1833*

House Bill No. 2714

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

SECTION 1. Tennessee Code Annotated, Section 63-5-103(d)(1), is amended by deleting the subdivision and substituting instead the following:

The governor shall make appointments to the board not later than one (1) month after the expiration of the term of office of any member, and such or further delay in the appointment must be deducted from the term of the appointment. All vacancies occurring on the board by death or resignation must be filled by the governor for the unexpired term from lists submitted to the governor as provided in this section. If the vacancy is not filled within thirty (30) days by the governor, the board shall fill the vacancy for the unexpired term. A person is not eligible for appointment to the board if the person is employed by or with a dental supply business or dental laboratory.

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



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Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2017*

House Bill No. 2283

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

SECTION 1. Tennessee Code Annotated, Section 63-5-108(f), is amended by deleting the subsection and substituting the following:

(f)

(1) Except as provided in subdivision (f)(2), a licensed dentist shall not allow, under general supervision, more than three (3) dental hygienists to work at any one (1) time.

(2) A dentist may supervise no more than ten (10) dental hygienists while the dentist and each hygienist is providing dental services on a volunteer basis through a nonprofit provider of free mobile clinics in this state.

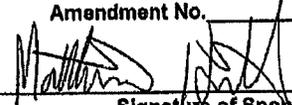
SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

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

AMEND Senate Bill No. 2017*

House Bill No. 2283

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

SECTION 1. Tennessee Code Annotated, Section 63-5-108(f), is amended by deleting the subsection and substituting the following:

(f)

(1) Except as provided in subdivision (f)(2), a licensed dentist shall not allow, under general supervision, more than three (3) dental hygienists to work at any one (1) time.

(2) A dentist may supervise, under direct supervision, no more than ten (10) dental hygienists while the dentist and each hygienist is providing dental services on a volunteer basis through a nonprofit provider of free mobile clinics in this state.

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



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HOUSE RESEARCH DIVISION

Health Committee
Amendment ePacket 2 of 2

Tuesday, June 9, 2020

Amendment No. _____

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

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



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(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, cannabitol, 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 patient'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(o), 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, cannabitol, 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, cannabinal, 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, cannabinal, 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.

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting § 68-7-102(12) in Section 1 and substituting instead the following:

(12) "Commission" means the Tennessee clinical cannabis commission, created by § 68-7-401;

AND FURTHER AMEND by deleting § 68-7-102(15)(P) in Section 1 and substituting instead the following:

(P) Any other medical condition approved by the clinical cannabis research and therapeutics committee and submitted to the commission;

AND FURTHER AMEND by adding the following as a new § 68-7-102(10) in Section 1 and renumbering the existing subdivisions accordingly:

(10) "Clinical cannabis research and therapeutics committee" or "research and therapeutics committee" means the clinical cannabis research and therapeutics committee, created by § 68-7-501;

AND FURTHER AMEND by deleting § 68-7-103(a) in Section 1 and substituting instead the following:

(a) No enterprise may acquire, possess, cultivate, manufacture, process, deliver, transfer, transport, supply, or dispense cannabis or cannabis products in this state without a license issued under this chapter and applicable to the establishment's operations. The commission shall begin accepting applications for calendar year 2021 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



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commission. The commission shall accept applications in subsequent years in accordance with rules promulgated by the commission.

AND FURTHER AMEND by deleting § 68-7-103(b) in Section 1 and substituting instead the following:

(b) To be eligible for a license under this chapter, a person or entity must submit the license fee described in § 68-7-107 and a completed application to the commission in the manner prescribed by the commission. Applications developed by the commission must require the following information:

- (1) The type of license being sought;
- (2) The legal name of the clinical cannabis establishment, including any doing business as (d/b/a) designations used in this state;
- (3) The identity of owners, officers, and board members of the clinical cannabis establishment and whether such individuals:
 - (A) Have ever been convicted of any felony offense;
 - (B) Have ever served as an owner, officer, or board member for a clinical cannabis establishment that has had its clinical cannabis establishment license revoked;
 - (C) Have ever previously had a clinical cannabis establishment agent registration card revoked; and
 - (D) Are at least twenty-one (21) years of age or older;
- (4) The physical address where the clinical cannabis establishment is to be located, which 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) Comply with all applicable local zoning requirements;

(5) 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) Evidence that the applicant meets the minimum capitalization 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) Operating procedures for the clinical cannabis establishment that are consistent with the commission's rules and 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 reasonably require by rule.

AND FURTHER AMEND by deleting § 68-7-103(c) in Section 1 and substituting instead the following:

(c)

(1) Each person submitting 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) Provide 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) Authorize the Tennessee bureau of investigation to submit the results of the criminal history records check to the commission and the owner or board of the clinical cannabis establishment.

(2) The applicant is responsible for any reasonable costs incurred by the Tennessee bureau of investigation or federal bureau of investigation, or both, in conducting an investigation of the applicant. Such fees may be reimbursed by the clinical cannabis establishment. The assessed costs must not exceed those assessed for other criminal history records checks required by law.

AND FURTHER AMEND by deleting subdivisions (1)-(3) in § 68-7-103(e) in Section 1 and substituting instead the following:

(1) A person or entity who is serving as an owner or operator of a cultivation facility, processing facility, vertically integrated enterprise, or clinical cannabis center shall not own or operate an independent testing facility;

(2) A holder of a vertically integrated license, or any person or entity having any interest greater than ten percent (10%) in a vertically integrated licensed enterprise, 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 sought. A single fingerprint sample and criminal history records check may be used for multiple applications.

AND FURTHER AMEND by adding in § 68-7-103(f)(1) in Section 1 the language "in a form or manner developed by the commission" immediately after the language "in this section".

AND FURTHER AMEND by deleting in § 68-7-105(a)(2) in Section 1 the language "the commission must complete all initial rulemaking no later than October 1, 2020" and substituting instead the language "the commission shall submit proposed rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, no later than October 1, 2020"; and by deleting the language ", research license forms".

AND FURTHER AMEND by deleting § 68-7-105(b)(2)(H)-(J) in Section 1 and substituting instead the following:

(H) The type of integrated plan for the care, quality, and safekeeping of cannabis and clinical cannabis products from seed to sale; and

(I) Any other reasonable criteria of merit that the commission determines to be relevant.

AND FURTHER AMEND by deleting § 68-7-107(a)(6) in Section 1 and substituting instead the following:

(6) For a research license, a nonrefundable application fee and renewal fee, as applicable, in an amount set forth by the commission in consultation with the research and therapeutics committee; and

AND FURTHER AMEND by deleting §§ 68-7-401 and 68-7-402 in Section 1 and substituting instead the following:

68-7-401.

(a) There is created and established the Tennessee clinical cannabis commission, which consists of five (5) members. Two (2) members of the commission shall be appointed by the speaker of the house of representatives; two (2) members shall be appointed by the speaker of the senate; and one (1) member shall be appointed by the governor. No more than two (2) members of the commission may be appointed and reside in the same grand division. The members comprising the commission shall not be less than thirty (30) years of age, and must have been residents of this state for at least two (2) years preceding their appointment.

(b) In making appointments to the commission, the appointing authorities shall strive to ensure that the commission is composed of persons who have experience in management or business and have demonstrated a commitment to integrity, ethics, and professionalism.

(c) A person who has an economic interest in a clinical cannabis establishment is not eligible for appointment to the commission. A commission member shall not acquire an economic interest in a clinical cannabis establishment during the member's term on the commission or within twelve (12) months following the expiration of the member's term.

68-7-402.

(a) The appointment of members to the commission shall be as follows:

(1) On or before July 1, 2020, the speaker of the senate shall appoint two (2) members for a term that begins on July 1, 2020, and expires on June 30, 2022;

(2) On or before July 1, 2020, the speaker of the house of representatives shall appoint two (2) members for a term that begins on July 1, 2020, and expires on June 30, 2023; and

(3) On or before July 1, 2020, the governor shall make one (1) appointment that begins July 1, 2020, and expires on June 30, 2024.

(b) The five (5) members of the commission appointed by the speaker of the senate, the speaker of the house of representatives, and the governor are subject to confirmation by the senate and house of representatives, but appointments are effective until and unless adversely acted upon by joint resolution of the senate and the house of representatives within sixty (60) days of the member's appointment or, if the general assembly is not in session when the appointment is made, within sixty (60) calendar days after the general assembly next convenes in regular session following the member's appointment.

(c)

(1) Following the expiration of a member's initial term 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.

(d)

(1) The appointing authority shall remove from the commission any member who is absent from more than thirty-three percent (33%) of the scheduled commission meetings in a calendar year 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 (d)(1).

(e) Prior to beginning their duties, each member of the commission shall take and subscribe to the oath of office provided for state officers.

AND FURTHER AMEND by deleting the language "Five (5)" in § 68-7-403(c) in Section 1 and substituting instead the language "Three (3)".

AND FURTHER AMEND by deleting § 68-7-405(b) in Section 1 and substituting instead the following:

(b) The director must be at least thirty (30) years of age, have attained a bachelor's level degree or higher, and have demonstrated a commitment to integrity, ethics, and professionalism. The director is designated as director, Tennessee clinical cannabis commission.

AND FURTHER AMEND by adding the following as a new subsection (h) in § 68-7-405 in Section 1:

(h) The director shall strive to attend all meetings of the research and therapeutics committee.

AND FURTHER AMEND by deleting the language "and support for clinical cannabis research" in § 68-7-406(b) in Section 1.

AND FURTHER AMEND by deleting subdivisions (10) and (11) in § 68-7-408(b) in Section 1 and substituting instead the following:

(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;

(11) Issue research licenses upon approval by the research and therapeutics committee;

(12) Develop a longitudinal study form under the guidance of the research and therapeutics committee for the purposes of gathering relevant data on clinical cannabis, and ensure the utilization of the form and compliance of clinical cannabis centers;

(13) Be ultimately responsible for the collection, processing, and storage of research data developed from the longitudinal study form, as well as other research data as part of any agreement with an eligible entity issued a research license;

(14) Make data collected by the commission available to the research and therapeutics committee in the form of an annual summary report and otherwise in a form and frequency as reasonably requested by the research and therapeutics committee; and

(15) Develop protocols for the management, storage, and distribution of data to the research and therapeutics committee for analysis or publication while ensuring patient confidentiality. The commission is authorized to outsource collection, processing, and storage services.

AND FURTHER AMEND by deleting § 68-7-409(a) in Section 1 and substituting instead the following:

(a) In addition to its functions, duties, and powers under § 68-7-408, the commission shall, in consultation with the clinical cannabis research and therapeutics committee:

(1) 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 and submit to the research and therapeutics committee for its approval 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) Administer a research license program under the direction of the research and therapeutics committee;

(10) Promulgate relevant application forms to be used for the research license programs;

(11) Develop 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. At a minimum, the longitudinal study form must include 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).

AND FURTHER AMEND by deleting the last sentence of § 68-7-416 in Section 1.

AND FURTHER AMEND by redesignating §§ 68-7-501, 68-7-502, 68-7-503, and 68-7-504 in Section 1 as §§ 68-7-601, 68-7-602, 68-7-603, and 68-7-604.

AND FURTHER AMEND by adding the following in Section 1:

68-7-501.

(a) There is created the clinical cannabis research and therapeutics committee for the purpose of providing clinical expertise and guidance to the commission. The committee consists of eleven (11) members, including seven (7) healthcare practitioners who are voting members and four (4) ex-officio non-voting members.

(b) The seven (7) voting members shall be appointed as follows:

(1) Three (3) members appointed by the speaker of the house:

(A) Two (2) of whom must be licensed under Title 63, Chapters 6 or 9, representing one (1) or more of the fields of neurology, medical oncology, rheumatology, psychiatry, or family medicine; and

(B) One (1) advanced practice registered nurse, as defined in 63-7-126, representing the field of palliative care;

(2) Three (3) members appointed by the speaker of the senate:

(A) Two (2) of whom must be licensed under title 63, chapters 6 or 9, representing one (1) or more of the fields of neurology, medical oncology, rheumatology, psychiatry, or family medicine; and

(B) One (1) pharmacist licensed under title 63, chapter 10; and

(3) One (1) member appointed by the governor, and who must be licensed under title 63, chapters 6 or 9, representing one (1) or more of the fields of neurology, medical oncology, rheumatology, psychiatry, or family medicine.

(c) The practitioners appointed under subdivisions (1)(A), (2)(A), and (3) must be nationally board-certified in their area of specialty and knowledgeable about the medical use of cannabis.

(d) The four (4) ex-officio members are as follows:

(1) The director of the clinical cannabis commission, who shall serve as secretary of the research and therapeutics committee;

(2) The commissioner of the department of health or the commissioner's designee;

(3) The commissioner of the department of agriculture or the commissioner's designee; and

(4) The commissioner of the department of safety or the commissioner's designee;

68-7-502.

(a) The appointment of members to the research and therapeutics committee shall be as follows:

(1) On or before July 1, 2020, the speaker of the senate shall appoint three (3) members for a term that begins on July 1, 2020, and expires on June 30, 2021;

(2) On or before July 1, 2020, the speaker of the house of representatives shall appoint three (3) members for a term that begins on July 1, 2020, and expires on June 30, 2022; and

(3) On or before July 1, 2020, the governor shall make one (1) appointment that begins on July 1, 2020, and expires on June 30, 2023.

(b) The seven (7) members of the committee appointed by the speaker of the senate, the speaker of the house of representatives, and the governor are subject to confirmation by the senate and house of representatives, but appointments are effective until and unless adversely acted upon by joint resolution of the senate and the house of representatives within sixty (60) days of the member's appointment or, if the general assembly is not in session when the appointment is made, within sixty (60) calendar days after the general assembly next convenes in regular session following the member's appointment.

(c)

(1) Following the expiration of a member's initial term as prescribed in subsection (a), all appointments to the commission are for terms of two (2) years and begin on July 1 and terminate on June 30, two (2) 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 committee following the expiration of their terms.

(d)

(1) The appointing authority may remove from the committee any voting member who is absent from more than fifty percent (50%) of the scheduled

committee meetings in a calendar year and appoint a new member to fill the remainder of the unexpired term.

(2) The presiding officer of the committee shall promptly notify, or cause to be notified, the applicable appointing authority of any member who violates the attendance requirement described in subdivision (d)(1).

(e) Prior to beginning their duties, each member of the committee shall take and subscribe to the oath of office provided for state officers.

68-7-503. The duties of the research and therapeutics committee are as follows:

(1) Consult and advise the clinical cannabis commission in furtherance of the commission's duties under § 68-7-409;

(2) 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;

(3) Review and approve additional debilitating medical conditions that would benefit from the medical use of cannabis and provide to the commission at least annually a list of such qualifying debilitating diseases, if any;

(4) Convene at least twice per year to conduct public hearings and to evaluate petitions, which must be maintained as confidential personal health information, to consider additional qualifying debilitating diseases under § 68-7-102(16)(P);

(5) Issue recommendations concerning rules to be promulgated by the commission relative to the research and therapeutics committee's duties; and

(6) Recommend to the commission quantities of cannabis that are necessary to constitute an adequate supply for qualified patients and primary caregivers.

68-7-504. The members of the research and therapeutics committee shall receive a per diem not to exceed the per diem provided to members of the general assembly pursuant to § 3-

1-106, for each day's service spent in the performance of the duties and responsibilities of the research and therapeutics committee.

68-7-505.

(a) The director of the clinical cannabis commission shall keep and be responsible for all records of the research and therapeutics committee and also serve as secretary of the committee. The director shall prepare and keep the minutes of all meetings held by the committee, including a record of all business transacted and decisions rendered by the committee.

(b) The director is authorized to appoint an assistant director who shall perform such duties and functions that may be assigned by the director or the commission under this section.

AND FURTHER AMEND by deleting the language "§ 68-7-102(15)(N)" in § 68-7-301(b)(3) in Section 1 and substituting instead the language "§ 68-7-102(16)(N)".

AND FURTHER AMEND by deleting the amendatory language of Section 2 and substituting instead the following:

() Tennessee clinical cannabis commission, created by § 68-7-401;

AND FURTHER AMEND by deleting the language "For purposes of establishing the clinical cannabis commission" in Section 9 and substituting instead the language "For purposes of establishing the Tennessee clinical cannabis commission".

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 2334*

House Bill No. 2454

by adding the following as a new subdivision (3) in the amendatory language of § 68-7-105(b) in

SECTION 1:

(3) The commission shall strive to ensure diversity among licensees in the areas of age, ethnicity, race, sex, geographic residency, perspective, and experience.



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Senate Health and Welfare Comm. Am. #2

Amendment No. _____

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Signature of Sponsor

FILED
Date _____
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Clerk _____
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AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting the effective date section and substituting instead the following:

SECTION __

(a) For purposes of establishing the clinical cannabis commission, promulgating rules and forms, and conducting local option elections, this act shall take effect thirty (30) days after the date upon which the commissioner of health provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that federal rescheduling of marijuana from Schedule I to Schedule II has become effective and authorized for distribution by the federal drug administration (FDA), the public welfare requiring it.

(b) For all other purposes, this act shall take effect one (1) year from the effective date described in subsection (a), the public welfare requiring it.



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Amendment No. _____

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Signature of Sponsor

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AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting the language "two-thirds (2/3)" from subdivision 68-7-106(d)(3) in SECTION 1.



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Amendment No. _____

S. K. ...

Signature of Sponsor

FILED
Date _____
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Clerk _____
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AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting subdivisions (c)(4) and (5) from § 68-7-119 in the amendatory language of

SECTION 1.



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Amendment No. _____

S. FOMAR MD

Signature of Sponsor

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Date _____
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AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting Section 68-7-102 in SECTION 1 in its entirety and substituting instead the following:

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 qualifying 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



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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 qualifying medical condition or symptoms associated with the patient's qualifying 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) "Department" means the department of agriculture;

(16) "Designated caregiver" means a person who meets the requirements of § 68-7-202;

(17) "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;

(18) "Establishment agent" means an owner, officer, board member, employee, or agent of a clinical cannabis establishment;

(19) "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;

(20) "Healthcare facility" means a facility licensed to provide health or medical care under title 33 or this title;

(21) "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;

(22) "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;

(23) "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;

(24) "Nonresident card" means a card or other identification that is issued by a state or jurisdiction other than Tennessee;

(25) "Nonresident cardholder" means a person who is issued a valid nonresident card as described in § 68-7-116;

(26) "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;

(27) "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;

(28) "Processing license" means a license issued in accordance with § 68-7-105 for a single operation of a processing facility;

(29) "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;

(30) "Qualifying medical condition" means:

(A) The following four (4) conditions for which cannabis products have been studied, evaluated in trials, and approved by the United States food and drug administration (FDA):

- (i) Nausea of chemotherapy;
- (ii) Muscle wasting in AIDS;
- (iii) Chronic neuropathic pain; and
- (iv) Muscle spasms caused by multiple sclerosis; and

(B) Additional conditions for which such approval is granted by the United States food and drug administration (FDA);

(31) "Qualifying patient" means a person who has been diagnosed by a practitioner as having a qualifying 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 qualifying medical condition.

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-116(a)(2) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" wherever it appears in § 68-7-116(a)(4)(B) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-201(a)(1)(A) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-201(a)(1)(G) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-201(d) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-203(c) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-206(a)(1) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-301(b)(1) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting § 68-7-301(b)(3) of SECTION 1 and substituting instead the following:

(3) The practitioner has not abused the practitioner's authority to provide written certifications or diagnoses of qualifying medical conditions, including confirmation that the patient has a qualifying medical condition.

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-409(a)(1) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" wherever it appears in § 68-7-409(a)(2) of SECTION 1 and substituting instead the word "qualifying".

AND FURTHER AMEND by deleting the word "debilitating" in § 68-7-409(a)(6) of SECTION 1 and substituting instead the word "qualifying".

Amendment No. _____

S. Icomar B. M.D.
Signature of Sponsor

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

AMEND Senate Bill No. 2334*

House Bill No. 2454

by deleting § 68-7-111(a) and (b) in SECTION 1 and substituting instead the following:

(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;

(4) Unless consideration of equal or greater value is received, directly or indirectly, providing any payment, honorarium, subscription, loan, advance, forbearance, rendering, or deposit of money or services to a practitioner or qualified pharmacist; or

(5) 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



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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;

(4) Unless consideration of equal or greater value is received, directly or indirectly, providing any payment, honorarium, subscription, loan, advance, forbearance, rendering, or deposit of money or services to a practitioner or qualified pharmacist; or

(5) 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.

AND FURTHER AMEND by adding the following as a new § 68-7-208 in Section 1:

68-7-208. The commission may revoke or suspend the registry identification card of any qualifying patient and designated caregiver of such patient, if the qualifying patient or designated caregiver, without directly or indirectly receiving consideration of equal or greater value, provides any payment, honorarium, subscription, loan, advance, forbearance, rendering, or deposit of money or services to:

(1) The practitioner who provides the diagnosis of a qualifying medical condition to the qualifying patient; or

(2) The qualified pharmacist who provides the medication therapy management consultation to the qualifying patient.



HOUSE RESEARCH DIVISION

Finance, Ways & Means Subcommittee
Amendment Packet
June 10, 2020

MP 9:00

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JUN 09 2020
REP. SUSAN LYNN

Amendment No. _____



Signature of Sponsor

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

AMEND Senate Bill No. 1778*

House Bill No. 1830

by deleting SECTION 12 in its entirety and substituting instead the following:

SECTION 12. Section 5 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 11 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any local governmental action, including assessment of property for taxation purposes, occurring on or after January 1, 2021. All other sections of this act shall take effect January 1, 2021, the public welfare requiring it.



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REP. SUSAN LYNN

Amendment No. _____



Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2312

House Bill No. 2350*

by adding the language "mental health hospital;" after the language "ambulatory surgical treatment center;" in subdivision (9)(A) in SECTION 1.

AND FURTHER AMEND in SECTION 1 by deleting subdivision (9)(B)(vii); by deleting the language "or" after subdivision (9)(B)(vi); and by adding the language "or" after subdivision (9)(B)(v).

AND FURTHER AMEND by adding the following as a new appropriately designated subdivision in SECTION 1:

() "Micro mental health hospital" means a facility required to be licensed as a mental health hospital under title 33 that has no more than ten (10) beds for admitted patients;

AND FURTHER AMEND by adding the following to the amendatory language of SECTION 10 as a new subsection:

() This part does not require a certificate of need to establish or operate a micro mental health hospital in any county with a population less than one hundred fifty thousand (150,000), according to the 2010 federal census or any subsequent federal census.

AND FURTHER AMEND by deleting from SECTION 10 the language "home health agency" wherever it appears and substituting instead the language "home care organization".

AND FURTHER AMEND by deleting the amendatory language of SECTION 14 and substituting instead the following:

(i) All costs of the contested case proceeding and any appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and



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reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs must not be assessed against the agency or against any applicant for a certificate of need who is defending the approval of the applicant's certificate of need application.

AND FURTHER AMEND by deleting SECTION 17 and substituting instead the following:

SECTION 17. Tennessee Code Annotated, Section 68-11-1614, is amended by deleting the section and substituting the following:

(a) The commissioner of health shall provide the agency with aggregate data from the hospital discharge database and ambulatory surgical treatment center discharge database within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data by state, county, or zip code, as requested. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(b) The commissioner of mental health and substance abuse services shall provide the agency with aggregate data about nonresidential substitution-based treatment centers for opiate addiction licensed in Tennessee within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data about patient origin by state, county, or zip code, as requested, at licensee treatment centers in this state. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(c) The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities may submit written reports or statements

and they may also send representatives to testify before the agency to inform the agency with respect to applications.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

SECTION __. Section 23 of this act shall take effect July 1, 2020, the public welfare requiring it. The remainder of this act shall take effect January 1, 2021, the public welfare requiring it, and applies to certificate of need applications filed on or after that date.

Amendment No. _____

Russ D. Caliper

Signature of Sponsor

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

AMEND Senate Bill No. 1639*

House Bill No. 2385

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

SECTION 1. Tennessee Code Annotated, Section 4-24-201, is amended by adding the following new subdivisions:

() "Academy" means the Tennessee fire service and codes enforcement academy;

() "Volunteer firefighter" means a duly appointed member of a fire department on either a non-pay or partial-pay basis who is neither employed in a full-time capacity with the department nor eligible to receive the educational incentive pay issued pursuant to § 4-24-202 as a member of the department, regardless of whether the volunteer firefighter receives life insurance, health insurance, worker's compensation insurance, length of service awards, pay per-call or per-hour, or similar compensation;

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 24, Part 2, is amended by adding the following new section:

(a) An active volunteer firefighter of a fire department that is registered and recognized by the state fire marshal pursuant to § 68-102-303 who completes at least forty (40) hours of training developed and approved by the commission during a program year must receive a pay supplement from the commission as follows, based on the highest level of training successfully completed by the volunteer firefighter:

(1) A volunteer firefighter who has completed the sixty-four-hour basic firefighting course and sixteen-hour live burn taught or approved by the academy, or an equivalent program approved by the commission, must receive four hundred dollars (\$400);



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(2) A volunteer firefighter who has completed certification from the commission for Fire Fighter 1, or an equivalent level approved by the commission, must receive six hundred dollars (\$600); and

(3) A volunteer firefighter who has completed certification from the commission for Fire Fighter 2, or an equivalent level approved by the commission, must receive eight hundred dollars (\$800).

(b) A firefighter who is eligible for the pay supplement pursuant to § 4-24-202 and also serves as a volunteer firefighter is not eligible for a pay supplement under subsection (a), but must receive a pay supplement of two hundred dollars (\$200) if the firefighter instructs or participates in an additional forty (40) hours of annual training with the firefighter's volunteer department.

(c) In the case of eligible fire departments established as a nonprofit organization or otherwise unable to make payments to their members, the commission is authorized to disburse funds directly to eligible members. In this case, members must complete a federal request for a taxpayer identification number that is submitted with the fire department's annual request and will not be required to register with this state as a vendor.

(d) Funds made available under this section must:

(1) Be to a fire department or volunteer firefighter of a department recognized under § 68-102-303;

(2) Be issued to a fire department that is in compliance with the reporting requirements of § 68-102-111;

(3) Be reported to the comptroller of the treasury in accordance with § 68-102-309, if required; and

(4) Comply with rules of the commission adopted under § 4-24-203(4).

(e) For purposes of issuing pay supplements under this section, the first program year begins on January 1, 2021.

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

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JUN 09 2020
REP. SUSAN LYNN

Amendment No. 1

Signature of Sponsor

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

AMEND Senate Bill No. 2677

House Bill No. 2760*

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

SECTION 1.

The department of revenue is instructed to revise Rule 1320-05-01-.129 in an expedient manner to require out-of-state dealers to collect and remit sales taxes to the state if such dealers engage in the regular or systematic solicitation of consumers in this state through any means and make sales that exceed ten thousand dollars (\$10,000) to consumers in this state during the previous twelve-month period.

SECTION 2. Tennessee Code Annotated, Section 67-6-501(f)(1), is amended by deleting the following language:

The marketplace facilitator made or facilitated total sales to consumers in this state of five hundred thousand dollars (\$500,000) or less during the previous twelve-month period;

and substituting instead the following:

The marketplace facilitator made or facilitated total sales to consumers in this state of ten thousand dollars (\$10,000) or less during the previous twelve-month period;

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 2 of this act shall take effect at 12:01 a.m. on October 1, 2020, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2667

House Bill No. 2842*

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

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

SECTION 1. Tennessee Code Annotated, Section 3-17-103(a)(1)(A), is amended by adding the following language as a new subdivision (v):

(v) In addition to the submission deadline described in subdivision (a)(1)(A)(i), a nonprofit organization seeking to operate an annual event for the benefit of that organization located in this state may submit an annual event application to the secretary within two (2) calendar days after the effective date of this act for the annual event period beginning July 1, 2020, and ending June 30, 2021.

SECTION 2. Tennessee Code Annotated, Section 3-17-103(a)(1)(B), is amended by deleting the language "subdivisions (a)(1)(A)(ii)-(iv)" and substituting instead the language "subdivisions (a)(1)(A)(ii)-(v)".

SECTION 3. Tennessee Code Annotated, Section 3-17-103(b), is amended by adding the following language as a new subdivision (5):

(5) In addition to the omnibus listing transferred to the clerk of the senate and the clerk of the house of representatives pursuant to subdivision (b)(1), the secretary shall transfer an additional omnibus listing of any organizations approved pursuant to subdivision (a)(1)(A)(v) for the annual event period beginning July 1, 2020, and ending June 30, 2021. The list must be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central daylight time (CDT) within five (5) calendar days after the effective date of this act.



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SECTION 4. Tennessee Code Annotated, Section 3-17-103(d)(1)(A), is amended by redesignating subdivision (d)(1)(A) as subdivision (d)(1)(A)(i) and adding the following new subdivision (d)(1)(A)(ii):

(ii) Notwithstanding any law to the contrary, an organization that is authorized to hold an annual event from the period July 1, 2020, through December 31, 2020, may hold the authorized annual event no later than sixty (60) calendar days after the event date listed in the annual event application; provided, that such authorization under this subdivision (d)(1)(A)(ii) only applies on a one-time basis.

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