

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

**March 20, 2023**



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HOUSE RESEARCH DIVISION

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# **Government Operations**

## **Committee**

### **Proposed Amendment Pack**

Action is Needed

March 20<sup>th</sup>, 2023

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

|                   |
|-------------------|
| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1009\***

**House Bill No. 1490**

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

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following as a new part:

**67-4-3301. Part definitions.**

As used in this part:

(1) "Corporation" means an entity subject to the excise tax imposed by the Excise Tax Law of 1999, compiled in part 20 of this chapter, or by Section 11 of the Internal Revenue Code of 1986 (26 U.S.C. § 11), as amended, and does not include an entity meeting the definition of "qualified personal service corporations" as defined in Section 448 of the Internal Revenue Code of 1986 (26 U.S.C. § 448), as amended; and

(2) "Doing business in this state" means:

(A) Owning or renting real or tangible personal property physically located in this state;

(B) Having employees, agents, or representatives acting on the corporation's behalf in this state;

(C) Making sales of tangible personal property to purchasers that take possession of the property in this state;

(D) Performing services for customers located in this state;

(E) Performing services in this state;



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(F) Earning income from intangible property that has a business situs in this state;

(G) Engaging in regular and systematic solicitation of sales in this state;

(H) Being a partner in a partnership engaged in any of the activities listed in subdivisions (2)(A)-(G) in this state; or

(I) Being a member of a limited liability company engaged in any of the activities listed in subdivisions (2)(A)-(G) in this state.

**67-4-3302. Tax disclosure statement required.**

The following corporations, if doing business in this state, shall file with the secretary of state the statement described by § 67-4-3303:

(1) All publicly traded corporations, including corporations traded on foreign stock exchanges; and

(2) All corporations for which fifty percent (50%) or more of the corporation's voting stock is owned, directly or indirectly, by a publicly traded corporation.

**67-4-3303. Content of tax disclosure statement.**

(a) The statement required by § 67-4-3302 must be filed annually in an electronic format specified by the secretary of state no more than thirty (30) days following the filing of the tax return required by this part, or, in the case of a corporation not required to file a Tennessee excise tax return, within ninety (90) days of the filing of the corporation's federal income tax return, including the corporation's inclusion in a federal consolidated return.

(b) The statement must contain the following information:

(1) The name of the corporation and the street address of its principal executive office;



(2) If different from subdivision (b)(1), the name of a corporation that owns, directly or indirectly, fifty percent (50%) or more of the voting stock of the corporation and the street address of the former corporation's principal executive office;

(3) The corporation's four-digit North American Industry Classification System code number;

(4) A unique code number, assigned by the secretary of state, to identify the corporation, which code number must remain constant from year to year; and

(5) The following information reported on or used in preparing the corporation's Tennessee excise tax return filed under the Excise Tax Law of 1999, or, in the case of a corporation included in a consolidated or combined tax return, reported on or used in preparing the consolidated or combined tax return filed under § 67-4-2007, § 67-4-2106(b), or § 67-4-2112, or another provision in the Excise Tax Law of 1999 or the Franchise Tax Law of 1999, compiled in part 21 of this chapter, or, in the case of a corporation not required to file a Tennessee excise tax return under the Excise Tax Law of 1999, the information that would be required to be reported on or used in preparing the Tennessee excise tax return were the corporation required to file such a return:

(A) Total receipts;

(B) Total cost of goods sold claimed as a deduction from gross income;

(C) Taxable income prior to net operating loss deductions or apportionment;

(D) Property, payroll, and sales apportionment factors;

(E) Calculated overall apportionment factor in the state;

(F) Total business income apportioned to the state;

(G) Net operating loss deduction, if any;

(H) Total non-business income and the amount of non-business income allocated to the state;

(I) Total taxable income;

(J) Total tax before credits;

(K) Tax credits claimed, each credit individually enumerated;

(L) Alternative minimum tax, if applicable;

(M) Tax due;

(N) Tax paid;

(O) Amount of tax due paid under protest, if applicable;

(P) Total deductions for management services fees, for rent, and for royalty, interest, license fee, and similar payments for the use of intangible property paid to any affiliated entity that is not included in the consolidated or combined tax return, if any, that includes the corporation, and the names and principal executive office addresses of the entities to which the payments were made;

(Q) The sales factor that would be calculated for this state if the corporation or consolidated group, if applicable, were required to treat as sales in this state sales of tangible personal property to the federal government and sales of tangible personal property shipped or delivered to a customer in a state in which the selling corporation is neither subject to a state tax measured by net income nor could be subjected to such a tax were the state to impose it;

(R) A description of the source of non-business income reported on the return and the identification of the state to which such income was reported;

(S) A listing of all corporations included in a combined or consolidated tax return that includes the corporation, if such a return is

filed, and their state identification numbers assigned under subdivision (b)(4);

(T) Full-time-equivalent employment of the corporation in this state on the last day of the tax year for which the return is being filed and for the three (3) previous tax years;

(U) In the case of a publicly traded corporation incorporated in the United States or an affiliate of the publicly traded corporation, profits before tax reported on the securities and exchange commission form 10-K for the corporation or the consolidated group of which the corporation is a member for the corporate fiscal year that contains the last day of the tax year for which the return is filed;

(V) The property and payroll factors for this state calculated as required by the Uniform Division of Income for Tax Purposes Act as embodied in Article IV of the Multistate Tax Compact and Multistate Tax Commission regulations; and

(W) Accumulated tax credit carryovers, enumerated by credit.

(c) Notwithstanding chapter 1, part 17 of this title to the contrary, the commissioner of revenue, and any officer or employee of the department of revenue, shall provide assistance, tax information as defined in § 67-1-1701, and other information to officers and employees of the office of the secretary of state that is necessary to ascertain the appropriate due dates for the statements and that is otherwise necessary to accomplish and effectuate the purposes of this part.

**67-4-3304. Alternative statement option for corporations not required to file tax return.**

In lieu of the statement required by § 67-4-3302, a corporation doing business in this state but not required to file a Tennessee excise tax return may elect to file an alternative statement with the secretary of state containing the following information:

(1) The information specified in § 67-4-3303(b)(1)-(4);

(2) An explanation of why the corporation is not required to file a Tennessee excise tax return, which explanation may take the form of checking one (1) or more possible explanations as determined by the secretary of state, in consultation with the commissioner of revenue; and

(3) Identification of which of the following ranges the corporation's total gross receipts from sales to purchasers in this state fell in the tax year for which the alternative statement is filed:

(A) Less than ten million dollars (\$10,000,000);

(B) Ten million dollars (\$10,000,000) or more, but less than fifty million dollars (\$50,000,000);

(C) Fifty million dollars (\$50,000,000) or more, but less than one hundred million dollars (\$100,000,000);

(D) One hundred million dollars (\$100,000,000) or more, but less than two hundred fifty million dollars (\$250,000,000); or

(E) Two hundred fifty million dollars (\$250,000,000) or more.

**67-4-3305. Supplemental information permitted.**

A corporation submitting a statement required by this part may submit supplemental information that, in its sole judgment, could facilitate proper interpretation of the information included in the statement. The methods of public disclosure, as described in § 67-4-3307, of the information contained in the statements required under this part must ensure that this supplemental information be publicly available and that notification of its availability be made to a person seeking information contained in a statement.

**67-4-3306. Amended tax disclosure statements required.**

If a corporation files an amended Tennessee excise tax return, then the corporation shall file a revised statement under this part within sixty (60) calendar days

after the amended Tennessee excise tax return is filed. If a corporation's excise tax liability for a tax year is adjusted as the result of an audit adjustment, an informal conference decision as provided for in § 67-1-110, or a final determination of a tax lawsuit by the chancery court of the appropriate county as provided for in § 67-1-1801, then the corporation shall file a revised statement pursuant to this part within sixty (60) calendar days of the audit adjustment, decision, or final determination, as applicable.

**67-4-3307. Public access to tax disclosure statements.**

(a) Notwithstanding chapter 1, part 17 of this title to the contrary, the statements required under this part and filed with the secretary of state, and the information contained in those statements, are open to public inspection and disclosure under title 10, chapter 7, part 5.

(b) The secretary of state shall make all information contained in the statements required under this part for corporations filing the statements available for public inspection and disclosure on an ongoing basis in the form of a searchable database accessible through the internet.

(c) The secretary of state shall make available and establish charges that cover the cost to the state of providing copies on appropriate computer-readable media of the entire database for statements filed during each calendar year as well as hard copies of an individual annual statement for a specific corporation.

(d) A statement for a corporation for a particular tax year must not be publicly available until the first day of the third calendar year that follows the calendar year in which the particular tax year ends.

**67-4-3308. Enforcing compliance.**

(a) The accuracy of the statements required under this part must be attested to, under penalties of perjury, in writing by the chief operating officer of the corporation and are subject to audit by the department of revenue in the course of and under the normal

procedures applicable to Tennessee excise tax return audits conducted by the department.

(b) If a corporation doing business in this state fails to timely file a statement or files an inaccurate statement required by this part, then the secretary of state may impose a civil penalty of not more than five thousand dollars (\$5,000). If the corporation fails to file the statement within sixty (60) days after it is due, then the secretary of state may commence a proceeding in accordance with § 48-24-202 to administratively dissolve the corporation. The corporation has all remedies available under title 48, chapter 24, part 2, to apply for reinstatement or to appeal a denial of reinstatement.

(c) The secretary of state shall publish the name and penalty imposed upon a corporation subject to a penalty for failing to file the required statement or filing an inaccurate statement.

(d) The secretary of state may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate and implement this part.

SECTION 2. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*David M. Sarge*

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 323**

**House Bill No. 369\***

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

SECTION 1. 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 that inquires about an applicant's criminal history for purposes of undergraduate admission shall develop and implement an additional review process for applicants with a criminal history.

SECTION 2. This act takes effect upon becoming a law, 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. 1220**

**House Bill No. 432\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 7, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Tennessee Future Teacher Scholarship Act of 2023."

(b) As used in this section:

(1) "Approved EPP" means an educator preparation program approved by the state board of education at an eligible postsecondary institution;

(2) "Eligible candidate" means a student who is:

(A) Enrolled in an approved EPP in the student's junior or senior year as determined by the institution in which the student is enrolled; and

(B) A citizen of the United States who has resided in this state for at least one (1) year prior to the student's admission to the eligible postsecondary institution at which the student is enrolled;

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

(4) "Gift aid" means financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award;

(5) "Targeted setting" means a:



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(A) Tennessee public school located in a distressed or at-risk county, as determined by the department of education; or

(B) Subject area for which there is a critical shortage, as determined by the department of education; and

(6) "TSAC" means the Tennessee student assistance corporation.

(c) Subject to available funding, TSAC shall administer a five-year pilot program to award a Tennessee Future Teacher scholarship to future educators. The pilot program begins with the 2023-2024 academic year and terminates on July 1, 2028.

(d) To be eligible for a Tennessee Future Teacher scholarship, an eligible candidate must:

(1) Be eligible for and receive a Tennessee HOPE scholarship under chapter 4, part 9 of this title;

(2) Be admitted to and enrolled in an approved EPP;

(3) Complete the scholarship application, as required by TSAC;

(4) Maintain the minimum cumulative grade point average required by the approved EPP; and

(5) Sign a promissory note agreeing to teach in an LEA or public charter school in this state for at least four (4) consecutive years in a targeted setting.

(e) If a student ceases to be eligible for the Tennessee Future Teacher scholarship at any time for any reason, then the student is not eligible to regain the scholarship.

(f) If a student is awarded a Tennessee Future Teacher scholarship, then the student may continue to receive a Tennessee Future Teacher scholarship under this section until the occurrence of the first of the following events:

(1) The student has attained a degree through an approved EPP;

(2) The student ceases to be eligible for the Tennessee HOPE scholarship; or

(3) Three (3) years have elapsed since the date of the student's enrollment in a term for which the student received the student's first Tennessee Future Teacher scholarship.

(g) A student who receives a Tennessee Future Teacher scholarship may transfer from one (1) eligible postsecondary institution to another eligible postsecondary institution without loss of the scholarship so long as the student continues to meet all eligibility requirements for the scholarship.

(h) Subject to the amounts appropriated by the general assembly, the amount of a Tennessee Future Teacher scholarship:

(1) At a public institution is the cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the public institution attended less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied; and

(2) At a private institution must not exceed the average cost of tuition and mandatory fees charged to all students for coursework leading to completion of an approved undergraduate EPP at the state's public institutions less all other gift aid. The gift aid must be credited first to tuition and mandatory fees before the Tennessee Future Teacher scholarship is applied.

(i) If a student receives a Tennessee Future Teacher scholarship and does not teach in a targeted setting for at least four (4) consecutive years, then the student must reimburse TSAC for each year the student did not teach in a targeted setting an amount equal to the total scholarship amount the student received pursuant to this section divided by four (4), without interest.

(j) TSAC may promulgate rules to effectuate the purposes of this section, including establishing reimbursement requirements pursuant to subsection (i). The rules

must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(k) The office of research and education accountability (OREA), in the office of the comptroller of treasury, shall review and study the pilot program created in this section and the Tennessee Future Teacher scholarships awarded through the pilot program to determine the effectiveness of the scholarships in increasing the number of licensed educators in this state. The study must be conducted in the third and fifth year of the pilot program and four (4) years after the program terminates on July 1, 2028. The OREA shall report its findings and conclusions of each study to the speakers of the senate and house of representatives and to the education committees of the senate and house of representatives by December 31 each year a study is conducted.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1042**

**House Bill No. 783\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (a) and substituting:

(a) To be eligible for a Wilder-Naifeh technical skills grant, a student:

(1) Seeking a diploma or certificate at a Tennessee college of applied technology operated by the board of regents of the state university and community college system must:

(A) Meet the requirements of §§ 49-4-904 and 49-4-905(a); and

(B) Be admitted to the institution in an eligible program of study leading to a certificate or diploma; or

(2) Seeking a quality non-degree credential must:

(A) Reside in a county in which:

(i) A community college operated by the board of regents maintains a campus at which the graduation rate is less than twenty percent (20%); and

(ii) The high school graduation rate for each LEA located in the county is less than the average high school graduation rate for all LEAs for each school year in a three-year period;

(B) Meet the requirements of §§ 49-4-904 and 49-4-905(a)(1) and

(2); and



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(C) Be admitted to a QNDC program at a community college operated by the board of regents, a state university located in this state, the University of Tennessee system, a nonprofit technical school, or a nonprofit providing a THEC-approved training program.

SECTION 2. Tennessee Code Annotated, Section 49-4-921, is amended by deleting subsection (b) and substituting:

(b) A minimum number of hours of enrollment is not required for eligibility for a Wilder-Naifeh technical skills grant under this section. A student receiving a grant pursuant to subdivision (a)(1) must maintain satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled to continue the grant. A student receiving a grant pursuant to subdivision (a)(2) must maintain satisfactory academic progress in accordance with the standards and practices used by the institution at which the student is enrolled to continue the grant. If a student fails to maintain satisfactory academic progress, then the student loses the Wilder-Naifeh technical skills grant. Once a student loses a Wilder-Naifeh technical skills grant, an additional award under this section shall not be granted.

SECTION 3. Tennessee Code Annotated, Section 49-4-921(d), is amended by deleting "the certificate or diploma" and substituting "the certificate, diploma, or QNDC".

SECTION 4. Tennessee Code Annotated, Section 49-4-921(e), is amended by adding "for the QNDC program or" immediately preceding "by the institution".

SECTION 5. Tennessee Code Annotated, Section 49-4-921, is amended by adding the following as a new subsection:

(h) As used in this section:

(1) "In-demand occupation" means an occupation for which there exists a high demand for a trained workforce in this state based on current job openings,

hiring data, and future projections as determined by the report created pursuant to § 49-7-112;

(2) "Nonprofit technical school" means a private, nonprofit technical school that:

(A) Has had its primary campus domiciled in this state for at least seventy-five (75) consecutive years;

(B) Is accredited by the Council on Occupational Education; and

(C) In addition to offering diploma, certificate, and associate degree programs, offers a baccalaureate degree through an articulation agreement with a regionally accredited postsecondary institution; and

(3) "Quality non-degree credential" or "QNDC" means a credential, other than a degree or a diploma, the receipt of which indicates satisfactory completion of a workforce training program that:

(A) Has instruction and training lasting no longer than twenty-two (22) weeks or seven hundred (700) hours;

(B) Has a defined curriculum, objectives, and results in the awarding of credential upon successful completion;

(C) Culminates in a recognized industry certification, registered apprenticeship, occupational licensure, or certificate but does not include participation in or completion of a program of professional development, continuing education, exam preparation, or similar objectives;

(D) Creates a pathway to other quality credentials, postsecondary degrees, or diploma programs;

(E) Qualifies an individual for an in-demand occupation; and

(F) Is not eligible for federal title IV funding.

SECTION 6. Tennessee Code Annotated, Section 49-4-902(45), is amended by deleting the subdivision and substituting:

(45) "Wilder-Naifeh technical skills grant" means a grant that is funded from net proceeds of the state lottery and awarded under this part for coursework in an eligible program of study at a Tennessee college of applied technology operated by the board of regents of the state university and community college system or a quality non-degree credential, as defined in § 49-4-921.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Chris J. Hunt*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 461\***

**House Bill No. 902**

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

WHEREAS, the great State of Tennessee continues to be a place where students can learn, grow, work, and thrive; and

WHEREAS, education and workforce training systems are the foundation of preparing today's students and workers for tomorrow's workforce needs; and

WHEREAS, K-12 education, higher education, and workforce training play a pivotal role in providing the learning, skills, and readiness for Tennesseans to pursue a fulfilling career path; and

WHEREAS, Tennessee employers continue to seek skilled workers to meet their needs, yet face barriers to recruiting and retaining workers; and

WHEREAS, K-12 schools, institutions of higher education, and employers should have access to information that would help them better serve the citizens of this State; and

WHEREAS, families and communities should have access to public-facing resources that inform them about education, training, and career opportunities for students and workers; and

WHEREAS, it is the intent of the legislature that the state's longitudinal data system be leveraged to inform public policy and decision-making for education and the workforce; now, therefore,

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

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



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**49-1-1301. Education and workforce data advisory committee.**

(a) There is an education and workforce data advisory committee convened by the office of evidence and impact.

(b) The committee is composed of representatives from each entity that contributes education and workforce data into the state's longitudinal data system, including, but not limited to:

- (1) The commissioner of education, or the commissioner's designee;
- (2) The executive director of the Tennessee higher education commission, or the executive director's designee;
- (3) The commissioner of labor and workforce development, or the commissioner's designee;
- (4) The commissioner of economic and community development, or the commissioner's designee;
- (5) The commissioner of the department of human services, or the commissioner's designee;
- (6) The president of the Tennessee independent colleges and universities association, or the president's designee; and
- (7) The commissioner of children's services, or the commissioner's designee.

(c) The committee, in coordination with the office of evidence and impact, shall:

- (1) Develop an education and workforce research agenda to:
  - (A) Improve alignment across existing programs and systems;
  - (B) Support student success in grades kindergarten through twelve (K-12) education, higher education, and the workforce; and
  - (C) Equip local and state policymakers with information about education and workforce development; and

(2) Provide advisement on policies and procedures regarding data and research requests.

(d) The committee shall meet at least twice per annum.

(e) Meetings of the committee must be open to the public and streamed on the website that is created and maintained by the office. Archived videos of the committee's meetings must be made available to the public through the office's website.

(f) For administrative purposes, the committee is administratively attached to the office of evidence and impact within the department of finance and administration.

**49-1-1302. The office of evidence and impact.**

(a) There is an office of evidence and impact located within the department of finance and administration.

(b) The office of evidence and impact, in coordination with the education and workforce data advisory committee, shall execute the following functions and duties relative to education and workforce data:

(1) Serve as the central repository for the education data and workforce data provided by contributing entities for the purposes of this part;

(2) Work with the contributing entities to create and publish an inventory and dictionary of data elements to ensure the integrity and quality of the data collected and reported;

(3) Provide technical and data analysis support to contributing entities and other data users;

(4) Develop and make available a model data-sharing agreement that allows for reciprocal sharing of information between public schools, public or private institutions of higher education, and state and local workforce entities;

(5) Fulfill approved public information requests according to the office's public records request rule; § 10-7-504; FERPA; the Data Accessibility,

Transparency and Accountability Act, compiled in chapter 1, part 7 of this title;  
and all other relevant privacy laws;

(6) Ensure strict compliance with § 10-7-504; FERPA; the Data Accessibility, Transparency and Accountability Act; and all other relevant privacy laws; and

(7) Develop and annually publish feedback reports and data tools regarding the success of education and workforce development initiatives, including, but not limited to:

(A)

(i) Postsecondary and employment outcomes of students who graduated from Tennessee public schools;

(ii) Postsecondary and employment outcomes of students who participated in or completed a career and technical education program in Tennessee public schools;

(iii) Employment outcomes of students who enrolled in or graduated from programs of study at Tennessee postsecondary institutions; and

(iv) Educator vacancies, preparation and licensure type, levels of experience, instructional effectiveness, compensation, and retention rates.

(B) The feedback reports and data tools shall be:

(i) Reported using data sets in which personally identifiable information has been removed for confidentiality;

(ii) Published on the office's website;

(iii) Maintained and updated annually; and

(iv) Disaggregated by demographic characteristics, school- or institution-level, and geographic region.

(c) The office of evidence and impact may maintain other functions and duties that are not specified in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

The education and workforce data advisory committee, created by § 49-1-1301;

SECTION 3. The department of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include any headings in any compilation or publication containing this act.

SECTION 5. This act takes 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. 74**

**House Bill No. 27\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(13), is amended by deleting the subdivision and substituting:

(13) "Eligible program of study" means:

(A) A curriculum of courses leading to a certificate or diploma at a Tennessee college of applied technology; or

(B) A federal Title IV-eligible curriculum of courses leading to a certificate, diploma, or an associate, baccalaureate, or advanced degree at an eligible postsecondary institution;

SECTION 2. Tennessee Code Annotated, Section 49-4-902(30), is amended by deleting subdivision (A) and substituting:

(A) Is an independent student, as determined by the FAFSA, who has enrolled in a baccalaureate degree program at an eligible four-year postsecondary institution and attempted at least twelve (12) semester hours; or

SECTION 3. Tennessee Code Annotated, Section 49-4-902, is amended by deleting "associate or baccalaureate" in subdivisions (39) and (40) and substituting "associate, baccalaureate, or advanced".

SECTION 4. Tennessee Code Annotated, Section 49-4-913(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 5. Tennessee Code Annotated, Section 49-4-919(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".



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SECTION 6. Tennessee Code Annotated, Section 49-4-920(f)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 7. Tennessee Code Annotated, Section 49-4-931(a)(4), is amended by deleting the subdivision and substituting:

(4) Not have earned a baccalaureate or advanced degree prior to initially receiving an award under this section;

SECTION 8. Tennessee Code Annotated, Section 49-4-931(d)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 9. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 74**

**House Bill No. 27\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(13), is amended by deleting the subdivision and substituting:

(13) "Eligible program of study" means:

(A) A curriculum of courses leading to a certificate or diploma at a Tennessee college of applied technology; or

(B) A federal Title IV-eligible curriculum of courses leading to a certificate, diploma, or an associate, baccalaureate, or advanced degree at an eligible postsecondary institution;

SECTION 2. Tennessee Code Annotated, Section 49-4-902, is amended by deleting subdivision (18).

SECTION 3. Tennessee Code Annotated, Section 49-4-902, is amended by deleting subdivision (19) and substituting instead the following:

(19) "Full-time student" means an undergraduate student attending a postsecondary educational institution who is enrolled for at least twelve (12) semester hours during each semester of attendance, or a graduate student enrolled in the requisite number of semester hours, as determined by the institution attended;

SECTION 4. Tennessee Code Annotated, Section 49-4-902(30), is amended by deleting subdivision (A) and substituting:



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(A) Is an independent student, as determined by the FAFSA, who has enrolled in a baccalaureate degree program at an eligible four-year postsecondary institution and attempted at least twelve (12) semester hours; or

SECTION 5. Tennessee Code Annotated, Section 49-4-902, is amended by deleting subdivision (32) and substituting instead the following:

(32) "Part-time student" means an undergraduate student attending a postsecondary educational institution who is enrolled for at least six (6) semester hours, but less than twelve (12) semester hours, during a semester of attendance, or a graduate student who is enrolled in less than the number of semester hours required by the institution for full-time students, as determined by the institution attended;

SECTION 6. Tennessee Code Annotated, Section 49-4-902, is amended by deleting "associate or baccalaureate" in subdivisions (39) and (40) and substituting "associate, baccalaureate, or advanced".

SECTION 7. Tennessee Code Annotated, Section 49-4-913(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 8. Tennessee Code Annotated, Section 49-4-919(a)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 9. Tennessee Code Annotated, Section 49-4-920(f)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".

SECTION 10. Tennessee Code Annotated, Section 49-4-931(a)(4), is amended by deleting the subdivision and substituting:

(4) Not have earned a baccalaureate or advanced degree prior to initially receiving an award under this section;

SECTION 11. Tennessee Code Annotated, Section 49-4-931(d)(1), is amended by deleting "a baccalaureate" and substituting "an advanced".



SECTION 12. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Willie L. Miller*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 74**

**House Bill No. 27\***

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

SECTION \_\_. Tennessee Code Annotated, Section 49-4-924(b), is amended by deleting the third sentence of the subsection and substituting instead the following:

No repayment shall be required if a full-time undergraduate student withdraws from a course and the withdrawal does not reduce the student's course load below twelve (12) semester hours, or if a graduate student withdraws from a course and the withdrawal does not reduce the student's course load below the number of hours required for full-time attendance as a graduate student by the institution attended.



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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 364**

**House Bill No. 348\***

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

SECTION 1. Tennessee Code Annotated, Section 49-4-708(c)(1), is amended by deleting subdivision (C) and substituting instead the following:

(C) Notwithstanding subdivision (c)(1)(A), a student may be eligible for the scholarship if the student:

(i)

(a) Graduates early from an eligible high school, completes high school at an eligible home school early, or obtains a high school equivalency credential approved by the state board of education before the spring semester immediately preceding the student's initial fall enrollment; and

(b) Is admitted to, and enrolled full-time in, an eligible postsecondary program no later than the fall term immediately following the student's completion of one (1) of the requirements in subdivision (c)(1)(A); or

(ii) Is employed full-time while delaying enrollment in an eligible postsecondary institution up to sixteen (16) months immediately following the student's completion of one (1) of the requirements in subdivision (c)(1)(A);

SECTION 2. Tennessee Code Annotated, Section 49-4-708(c)(11), is amended by deleting the subdivision and substituting:



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(11) TSAC may promulgate rules to establish deadlines for applications, to establish appeal procedures for leaves of absence and delays in enrollment based on full-time employment, for the denial or revocation of the scholarship, and to otherwise effectuate the purposes of this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it, and applies to students seeking a Tennessee Promise scholarship on or after that date.

Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 834\***

**House Bill No. 1445**

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

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

**49-7-182.**

(a) A public postsecondary institution that provides internet access to students, faculty, staff, or the general public shall not allow an individual to access a social media platform using the institution's network if the platform is operated or hosted by a company based in the People's Republic of China. This section applies to internet services provided by an institution through a hard-wired or wireless network connection.

(b) This section does not apply to institutions or employees of such institutions if downloading, accessing, or using such a social media platform is necessary to perform:

- (1) Law enforcement activities;
- (2) Investigatory functions to carry out official duties for bona fide law enforcement, investigative, or public safety purposes; or
- (3) Audit, compliance, or legal functions of the institution.

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



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Amendment No. \_\_\_\_\_

*Willi Luther*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 282\*

House Bill No. 330

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-245(a)(10), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 4-3-2711(b)(8), is amended by deleting "executive director of the commission on children and youth or the executive director's designee" and substituting "commissioner of children's services or the commissioner's designee".

SECTION 3. Tennessee Code Annotated, Section 37-1-106(b)(3), is amended by deleting "the commission on children and youth" and substituting "the department of children's services".

SECTION 4. Tennessee Code Annotated, Section 37-1-150(a)(4), is amended by deleting "to the commission on children and youth".

SECTION 5. Tennessee Code Annotated, Section 37-1-161, is amended by deleting "commission on children and youth" wherever it appears and substituting "department of finance and administration, office of criminal justice programs".

SECTION 6. Tennessee Code Annotated, Section 37-1-165, is amended by deleting "through the commission on children and youth" and substituting "under this part".

SECTION 7. Tennessee Code Annotated, Section 37-1-182(a)(2)(G), is amended by deleting the subdivision.

SECTION 8. Tennessee Code Annotated, Section 37-1-185, is amended by deleting "The administrative office of the courts, the department of children's services, and the



commission on children and youth" and substituting "The administrative office of the courts and the department of children's services".

SECTION 9. Tennessee Code Annotated, Section 37-1-502(b)(2), is amended by deleting the subdivision and substituting:

(2) Prior to submitting its recommended rules to the supreme court, the council shall send a draft of its recommendation to the department. The department shall distribute the draft to state agencies that, in the department's opinion, may be affected by the recommended rules, and the department is responsible for accumulating and transmitting the comments of such agencies promptly to the council, so that the comments can be taken into account by the council in an orderly manner when preparing its final proposal of rules to be submitted to the supreme court. Thereafter, the department shall present such accumulated comments to the court in such manner as the court may provide for receiving comment upon the proposed rules.

SECTION 10. Tennessee Code Annotated, Section 37-1-603(b)(1), is amended by deleting "the commission on children and youth created by § 37-3-102,".

SECTION 11. Tennessee Code Annotated, Section 37-2-406(a)(3), is amended by deleting "and to the commission on children and youth".

SECTION 12. Tennessee Code Annotated, Section 37-2-415(d), is amended by deleting "the Tennessee commission on children and youth" and "the commission" wherever those terms appear and substituting "the department of human resources".

SECTION 13. Tennessee Code Annotated, Section 37-2-601(a)(1), is amended by deleting "executive director of the Tennessee commission on children and youth" and substituting "commissioner".

SECTION 14. Tennessee Code Annotated, Section 37-2-601(a)(2), is amended by deleting the subdivision and substituting:

(2) The advisory council shall report no later than October 31 of each year to the department, the governor, the civil justice committee of the house of representatives, the

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health committee of the house of representatives, and the health and welfare committee of the senate, making recommendations for the continuing operation of the system of extension of foster care services and supports.

SECTION 15. Tennessee Code Annotated, Section 37-2-601(b), is amended by deleting the subsection and substituting:

(b) State agencies that provide services or supports to youth transitioning out of state custody shall participate fully in the council and shall respond to the recommendations put forth by the council as appropriate.

SECTION 16. Tennessee Code Annotated, Title 37, Chapter 3, Part 1, is amended by deleting sections 101, 102, 103, 104, 105, and 109.

SECTION 17. Tennessee Code Annotated, Section 37-3-106, is amended by deleting "commission" wherever it appears and substituting "department".

SECTION 18. Tennessee Code Annotated, Section 37-3-107, is amended by deleting the section and substituting:

Unless the context otherwise requires, references to the commission on children and youth appearing elsewhere in Tennessee Code Annotated are deemed to be references to the department of children's services.

SECTION 19. Tennessee Code Annotated, Section 37-3-110, is amended by deleting subdivision (2).

SECTION 20. Tennessee Code Annotated, Section 37-3-111(a), is amended by deleting "the commission" and substituting "the department of mental health and substance abuse services".

SECTION 21. Tennessee Code Annotated, Section 37-3-111(b), is amended by deleting the subsection and substituting:

(b) The commissioner of mental health and substance abuse services, or the commissioner's designee, shall serve as chair of the council.



SECTION 22. Tennessee Code Annotated, Section 37-3-111(c)(4), is amended by deleting the subdivision.

SECTION 23. Tennessee Code Annotated, Section 37-3-111(g), is amended by deleting "the executive director of the commission or the executive director's designee" in the first sentence and substituting "the commissioner of mental health and substance abuse services or the commissioner's designee".

SECTION 24. Tennessee Code Annotated, Section 37-3-111(g), is amended by deleting "The executive director" in the second sentence and substituting "The commissioner of mental health and substance abuse services".

SECTION 25. Tennessee Code Annotated, Section 37-3-111, is amended by deleting "co-chairs" wherever it appears and substituting "chair".

SECTION 26. Tennessee Code Annotated, Section 37-3-116, is amended by deleting "commission" wherever it appears and substituting "department".

SECTION 27. Tennessee Code Annotated, Title 37, Chapter 3, Part 1, is amended by adding the following as a new section:

Notwithstanding any law to the contrary, the department of finance and administration, office of criminal justice programs is authorized to establish and convene an advisory group for the purpose of implementing the federal Juvenile Justice and Delinquency Prevention Act (34 U.S.C. § 11101, et seq.).

SECTION 28. Tennessee Code Annotated, Section 37-3-502(b), is amended by deleting "commission" and substituting "department".

SECTION 29. Tennessee Code Annotated, Section 37-3-506, is amended by deleting the section and substituting:

To the extent that, during the course of implementing this part, it comes to the attention of the department that two (2) or more significantly similar programs or services are being operated within this state, the department of health shall ensure that the persons or organizations administering such programs and services are so informed.

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SECTION 30. Tennessee Code Annotated, Section 37-3-507(b), is amended by deleting the subsection and substituting:

(b) This part does not authorize or require the department or the clearinghouse to certify or otherwise attest to the quality of any program or service for which it maintains information.

SECTION 31. Tennessee Code Annotated, Section 37-3-521, is amended by deleting "executive director of the commission on children and youth, and the".

SECTION 32. Tennessee Code Annotated, Section 37-3-804(a)(2), is amended by deleting the subdivision.

SECTION 33. Tennessee Code Annotated, Section 37-3-805, is amended by deleting "Tennessee commission on children and youth" in subsection (a) and substituting "department of children's services", and deleting "Tennessee commission on children and youth shall be" in subsection (b) and substituting "department of children's services is".

SECTION 34. Tennessee Code Annotated, Section 37-5-105(4)(A), is amended by deleting "and the Tennessee commission on children and youth,".

SECTION 35. Tennessee Code Annotated, Section 37-5-105(15), is amended by deleting "the Tennessee commission on children and youth,".

SECTION 36. Tennessee Code Annotated, Section 37-5-107(e), is amended by deleting ", including the commission on children and youth,".

SECTION 37. Tennessee Code Annotated, Section 37-5-107(j), is amended by deleting ", in consultation with the commission on children and youth,".

SECTION 38. Tennessee Code Annotated, Section 37-5-107(c)(6), is amended by deleting the subdivision.

SECTION 39. Tennessee Code Annotated, Section 37-5-131, is amended by deleting "the executive director of the commission on children and youth,".

SECTION 40. Tennessee Code Annotated, Section 37-5-603(a)(2), is amended by deleting "the commission on children and youth,".

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SECTION 41.

(a) For purposes of transferring positions, funds, and other resources, this act takes effect upon becoming a law, the public welfare requiring it.

(b) For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it.

(c) For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 722\***

**House Bill No. 940**

by deleting Section 36-6-702 in the amendatory language of SECTION 2 and substituting:

**36-6-702.**

(a) All judges involved in child custody proceedings shall complete at least two (2) hours of training or continuing education courses on domestic violence or child abuse per year or ten (10) hours per five (5) years.

(b) The training or continuing education courses may include the following topics:

- (1) Child sexual abuse;
- (2) Physical abuse;
- (3) Emotional abuse;
- (4) Coercive control;
- (5) Implicit and explicit bias, including biases relating to parents with disabilities;
- (6) Trauma;
- (7) Long-term and short-term impacts of domestic violence and child abuse on children;
- (8) Victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence; and
- (9) Any relevant topic addressing the best interest of the victim.



(c) The training and continuing education courses may be offered in person or virtually by the administrative office of the courts in conjunction with the annual meetings of the judicial conferences in accordance with §§ 17-3-104, 17-3-203, and 37-1-504.

Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 722\***

**House Bill No. 940**

by deleting Section 36-6-702 in the amendatory language of SECTION 2 and substituting:

**36-6-702.**

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- (1) Child sexual abuse;
- (2) Physical abuse;
- (3) Emotional abuse;
- (4) Coercive control;
- (5) Implicit and explicit bias, including biases relating to parents with disabilities;
- (6) Trauma;
- (7) Long-term and short-term impacts of domestic violence and child abuse on children;
- (8) Victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence; and
- (9) Any relevant topic addressing the best interest of the victim.



(c) The training and continuing education courses may be offered in person or virtually by the administrative office of the courts in conjunction with the annual meetings of the judicial conferences in accordance with §§ 17-3-104, 17-3-203, and 37-1-504.

**AND FURTHER AMEND** by deleting the effective date section and substituting:

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

House Children & Family Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 531\***

**House Bill No. 630**

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

SECTION 1. Tennessee Code Annotated, Section 37-5-132, is amended by adding the following new subsections:

(c)

(1) Beginning January 1, 2025, the commissioner shall ensure that no case manager is responsible for more than twenty (20) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(2) Beginning January 1, 2026, the commissioner shall ensure that no case manager is responsible for more than eighteen (18) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(3) Beginning January 1, 2027, the commissioner shall ensure that no case manager is responsible for more than fifteen (15) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.





(d) The commissioner shall ensure reasonable supervisory ratios to ensure supervisors can provide case managers effective leadership, oversight, and staff support.

(e) The commissioner is authorized to employ:

(1) Programmatic support personnel who do not maintain regular caseloads to provide technical expertise in the delivery of services to any child under the care and supervision of the department;

(2) Special response team personnel who do not maintain regular caseloads but are available to assume cases from case managers to assist in maintaining caseload standards, respond to emergent situations, and guard against interruption in service delivery; and

(3) Administrative support personnel who do not maintain caseloads to ensure the uninterrupted business processes that support the care and supervision of case-carrying staff.

(f) In addition to the annual report required by § 37-5-105(4), beginning January 1, 2024, and by January 1 of each year thereafter, the department must publish on the department's website:

(1) The average daily statewide caseload of case managers; and

(2) The number of case managers whose caseload is above the average set forth in subsection (a) or the limit set forth in subsection (c).

(g) The department may segment published data related to caseload by type of work performed by division consistent with department policies.

(h)

(1)

(A) Beginning January 1, 2025, if the average daily caseload of case managers exceeds twenty (20) cases per case manager for three

(3) consecutive months or if ten percent (10%) or more of case managers

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have average daily caseloads exceeding twenty (20) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(B) Beginning January 1, 2026, if the average daily caseload of case managers exceeds eighteen (18) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding eighteen (18) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(C) Beginning January 1, 2027, if the average daily caseload of case managers exceeds fifteen (15) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding fifteen (15) cases per case manager, then the department is considered noncompliant with caseload standards established pursuant to this section.

(2) In such circumstances described in subdivision (h)(1):

(A) The department shall:

(i) Within thirty (30) days of initial noncompliance under this subsection (h), deliver to the governor, speaker of the senate, and speaker of the house of representatives notice of the noncompliance and a summary of emergent efforts being made to rectify the noncompliance; and

(ii) Post, on a monthly basis, on the department's website, the average daily statewide caseload of case managers, until such time as the average daily caseload has been maintained at the applicable limit of cases per case manager for thirty (30) consecutive days; and

(B) The department of human resources shall authorize the use of a number of temporary positions determined by the commissioner of children's services to ensure re-establishment of compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

(i) If, after three (3) consecutive months of non-compliance, the commissioner determines compliance with any of this section's requirements is infeasible or unwarranted, then the commissioner shall provide written notice to the governor and members of the general assembly with a request for necessary resources to re-establish ongoing compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

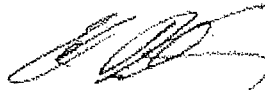
SECTION 2. Tennessee Code Annotated, Section 37-5-132(a), is amended by deleting the language "The department shall maintain staffing levels of case managers" and substituting instead "Prior to January 1, 2025, the department shall maintain staffing levels of case managers".

SECTION 3. Tennessee Code Annotated, Section 37-1-602(a), is amended by adding the following new subdivision:

( ) "Person residing in the child's home" includes, but is not limited to, a person who resides in a residential setting with a child who is in the custody of the department;

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

Amendment I



Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 534

House Bill No. 164\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-119(c), is amended by designating the current language as subdivision (c)(1) and adding the following subdivision (c)(2):

(2) If the child was voluntarily left at a facility or in a newborn safety device pursuant to § 68-11-255, the child has resided in the home of the petitioners for at least three (3) months, and the court has received the final court report concerning the circumstances of the child and the petitioners and is satisfied that the adoption will be in the best interest of the child, then the court may waive the six-month waiting period after the filing of the adoption petition and may enter an order of adoption.

SECTION 2. Tennessee Code Annotated, Section 36-1-142(f), is amended by adding the following as a new subdivision:

(4) If an infant is abandoned pursuant to § 68-11-255, then the department shall file a petition seeking termination of parental rights within ten (10) calendar days after the ninety-day period established in subsection (d) is completed. The court shall expedite the case and shall ensure that the hearing on the termination petition is heard within thirty (30) days of the date the petition is filed, unless the court determines an extension is in the best interest of the child.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

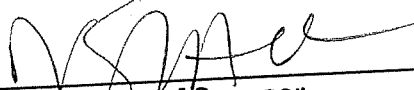


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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| Date         | 3/13/23 |
| Time         | 11:28   |
| Clerk        | _____   |
| Comm. Amdt.  | _____   |

AMEND Senate Bill No. 616\*

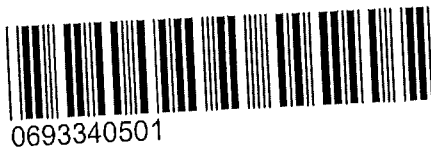
House Bill No. 862

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

The department shall provide juveniles who are in the department's custody and placed at a youth development center, hardware secure residential facility, or juvenile detention center licensed or approved by the department with access to psychological and behavioral health services twenty-four (24) hours a day, seven (7) days a week.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1048**

**House Bill No. 1032\***

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

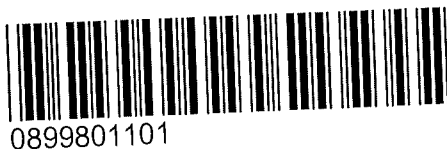
SECTION 1. Tennessee Code Annotated, Section 37-5-132, is amended by adding the following new subsections:

(c)

(1) Beginning January 1, 2025, the commissioner shall ensure that no case manager is responsible for more than twenty (20) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(2) Beginning January 1, 2026, the commissioner shall ensure that no case manager is responsible for more than eighteen (18) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.

(3) Beginning January 1, 2027, the commissioner shall ensure that no case manager is responsible for more than fifteen (15) cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of a child under the care and supervision of the department.



(d) The commissioner shall ensure reasonable supervisory ratios to ensure supervisors can provide case managers effective leadership, oversight, and staff support.

(e) The commissioner is authorized to employ:

(1) Programmatic support personnel who do not maintain regular caseloads to provide technical expertise in the delivery of services to any child under the care and supervision of the department;

(2) Special response team personnel who do not maintain regular caseloads but are available to assume cases from case managers to assist in maintaining caseload standards, respond to emergent situations, and guard against interruption in service delivery; and

(3) Administrative support personnel who do not maintain caseloads to ensure the uninterrupted business processes that support the care and supervision of case-carrying staff.

(f) In addition to the annual report required by § 37-5-105(4), beginning January 1, 2024, the department must annually publish on the department's website:

(1) The average daily statewide caseload of case managers; and

(2) The number of case managers whose caseload is above the average set forth in subsection (a) or the limit set forth in subsection (c).

(g) The department may segment published data related to caseload by type of work performed by division consistent with department policies.

(h)

(1)

(A) Beginning January 1, 2025, if the average daily caseload of case managers exceeds twenty (20) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding twenty (20) cases per case

manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(B) Beginning January 1, 2026, if the average daily caseload of case managers exceeds eighteen (18) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding eighteen (18) cases per case manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(C) Beginning January 1, 2027, if the average daily caseload of case managers exceeds fifteen (15) cases per case manager for three (3) consecutive months or if ten percent (10%) or more of case managers have average daily caseloads exceeding fifteen (15) cases per case manager, then the department shall be considered noncompliant with caseload standards established pursuant to this section.

(2) In such circumstances described in subdivision (h)(1):

(A) The department shall:

(i) Within thirty (30) days of initial noncompliance under this subsection (h), deliver to the governor, lieutenant governor, and speaker of the house of representatives notice of the noncompliance and a summary of emergent efforts being made to rectify the noncompliance; and

(ii) Post, on a monthly basis, on the department's website, the average daily statewide caseload of case managers, until such time as the average daily caseload has been maintained at the applicable limit of cases per case manager for thirty (30) consecutive days; and



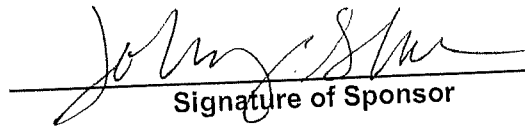
(B) The department of human resources shall authorize the use of a number of temporary positions determined by the commissioner of children's services to ensure re-establishment of compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

(i) If, after three (3) consecutive months of non-compliance, the commissioner determines compliance with any of this section's requirements is infeasible or unwarranted, then the commissioner shall provide written notice to the governor and members of the general assembly with a request for necessary resources to re-establish ongoing compliance with subsection (a) or the limit set forth in subsection (c), whichever is applicable.

SECTION 2. Tennessee Code Annotated, Section 37-5-132(a), is amended by deleting the language "The department shall maintain staffing levels of case managers" and substituting instead "Prior to January 1, 2025, the department shall maintain staffing levels of case managers".

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

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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AMEND Senate Bill No. 1270

House Bill No. 1515\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-6-413(b)(5)(B), is amended by adding the following new subdivision:

(vi) Adverse childhood experiences.

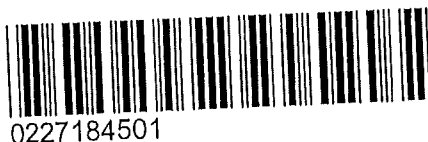
SECTION 2. Tennessee Code Annotated, Section 36-4-106, is amended by adding the following new subsections:

( ) Within sixty (60) days of filing a complaint for divorce involving minor children or an answer to such a complaint, the filing party must submit proof to the court that the party has taken the parent educational seminar required by § 36-6-408.

( ) Within forty-five (45) days of filing a complaint for divorce or an answer to such a complaint, the filing party must file financial documents with the court relevant to establishing the marital property and marital debt of the parties, for the purpose of dividing marital property and marital debt pursuant to § 36-4-121. The court may grant a party an additional fifteen (15) days in which to file the financial documents for good cause shown. The court must place documents filed pursuant to this subsection ( ) under seal.

SECTION 3. Tennessee Code Annotated, Section 36-4-132, is amended by adding the following new subsection:

(d) In addition to appointing a guardian ad litem for any minor children of the marriage pursuant to subsection (a), the court may, upon its own motion or upon the motion of either party, require the parties to attend family counseling.



SECTION 4. Tennessee Code Annotated, Section 36-6-408(a)(1), is amended by deleting the subdivision and substituting:

(1) At least two (2) hours of education focusing on adverse childhood experiences; and

SECTION 5. This act is known and may be cited as "Esther's Law."

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

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Amendment No. \_\_\_\_\_

*[Signature]*  
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 Signature of Sponsor

**AMEND Senate Bill No. 1010\***

**House Bill No. 1393**

by deleting all language after the enacting clause and substituting:

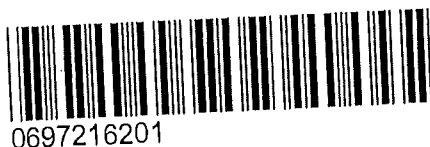
SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following new section:

The department must include the following in the permanency plan of a child who has been removed from the custody of the child's parent or guardian due, in whole or in part, to drug abuse by the parent or guardian:

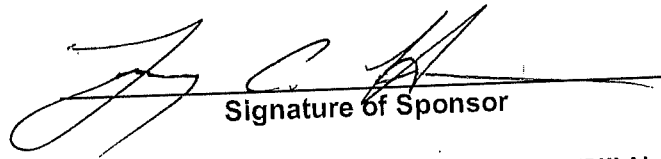
(1) Prior to returning the child to the parent or guardian's custody, the parent or guardian must submit to monthly drug testing and demonstrate through consecutive negative drug tests that the parent or guardian is able to maintain a drug-free lifestyle in order to provide a safe home for the child. Unless the parent or guardian is indigent, the parent or guardian is required to pay for the drug testing; and

(2) For at least six (6) months following the return of the child to the parent or guardian's custody, the parent or guardian must continue to submit to monthly drug testing in order to demonstrate the parent or guardian's commitment to maintaining a drug-free lifestyle and a safe home for the child. Unless the parent or guardian is indigent, the parent or guardian is required to pay for the drug testing.

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



Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 1010\***

**House Bill No. 1393**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-2-403(a), is amended by adding the following as a new subdivision:

(7) The statement of responsibilities in the permanency plan of a child who has been removed from the custody of the child's parent or guardian due, in whole or in part, to drug abuse by the parent or guardian, shall include a requirement that the parent or guardian must submit to drug testing and demonstrate that the parent or guardian is able to maintain a drug-free lifestyle in order to provide a safe home for the child.

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



Amendment No. \_\_\_\_\_

Mary R. Little  
Signature of Sponsor

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**AMEND Senate Bill No. 656**

**House Bill No. 641\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-130(d), is amended by adding the following new subdivision:

(4) Prior to making the notification required in subdivision (d)(1), the department must conduct an assessment of the home to determine whether the child will receive proper care and supervision in the home, including a visit to the home.

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



Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 655\***

**House Bill No. 914**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-130, is amended by creating a new subdivision (e):

(e)

(1) If a child found to be dependent and neglected under this part is under three (3) years of age and the child has been diagnosed by a licensed physician with neonatal abstinence syndrome, then the court may order the child's parent, guardian, or other custodian to:

(A) Submit to the department documentation of compliance with preventative pediatric care consistent with the periodicity schedule of the American Academy of Pediatrics until the child reaches three (3) years of age; and

(B) Submit to drug testing at regular intervals.

(2) The department may initiate a visit to ascertain the well-being of the child if the documentation provided contains allegations of abuse or neglect or if the child's parent, guardian, or custodian tests positive for drugs for which the parent, guardian, or custodian does not have a valid prescription.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

Mary Rottler  
Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 655\*

House Bill No. 914

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-130, is amended by adding the following new subdivision (e):

(e)

(1) If a child found to be dependent and neglected under this part is under three (3) years of age, and the child has been diagnosed by a licensed physician with neonatal abstinence syndrome, then the court may order the child's parent, guardian, or other custodian to:

(A) Submit to the department documentation of compliance with preventative pediatric care consistent with the periodicity schedule of the American Academy of Pediatrics until the child reaches three (3) years of age; and

(B) Submit to drug testing at regular intervals at the parent's, guardian's, or other custodian's expense.

(2) The department may initiate a visit to ascertain the well-being of the child if the documentation provided contains allegations of abuse or neglect.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.





Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 979

House Bill No. 944\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-3-601, is amended by deleting subdivision (1) and substituting:

(1) "Abuse" means:

(A) Inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means;

(B) Placing an adult or minor in fear of, or in, physical harm or physical restraint;

(C) Causing malicious damage to the personal property of the abused party; or

(D) Intentionally engaging in behavior that amounts to financial abuse;

SECTION 2. Tennessee Code Annotated, Section 36-3-601, is amended by adding the following as a new subdivision:

( ) "Financial abuse" means behavior that is coercive, that is deceptive, or that unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which the person is entitled, including using coercion, fraud, or manipulation to:

(A) Restrict a person's access to money, assets, credit, or financial information;

(B) Unfairly use a person's economic resources, including money, assets, and credit, to gain an advantage; or



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(C) Exert undue influence over a person's financial behavior or decisions, including forcing default on joint or other financial obligations; exploiting powers of attorney, guardianship, or conservatorship; or failing or neglecting to act in the best interest of the person to whom a fiduciary duty is owed;

SECTION 3. Tennessee Code Annotated, Section 71-6-102, is amended by deleting subdivision (1)(A) and substituting:

(A) "Abuse or neglect" means an unreasonable expression of authority in which a caretaker:

- (i) Inflicts physical pain, injury, or mental anguish;
- (ii) Deprives the adult of services that are necessary to maintain the health and welfare of the adult; or
- (iii) Creates a situation in which the adult is unable to provide or obtain the services that are necessary to maintain the adult's personal health or welfare, including financial abuse as defined in § 36-3-601; and

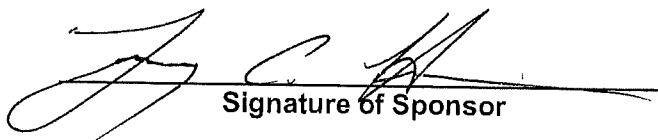
SECTION 4. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) For purposes of this part, a person is not abused or neglected or in need of protective services if the person subject to care intentionally and willfully chooses or consents to engage in a religious method of healing in accordance with a recognized religious belief in lieu of medical treatment.

(b) This part does not require or authorize the provision of medical care to a terminally ill person if the person has executed an unrevoked living will in accordance with the Tennessee Right to Natural Death Act, compiled in title 32, chapter 11, and the provision of medical care would conflict with the terms of the living will.

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

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 164\***

**House Bill No. 1395**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following new section:

In addition to any payment received for providing foster care, the department must provide a foster parent who is providing care for a foster child who is fifteen (15) years of age or older and has a valid driver license or learner's permit with a supplement of two hundred dollars (\$200) per month to compensate the foster parent for providing car insurance for the foster child. The department may require the foster parent to provide documentation of the cost of the car insurance for the foster child.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



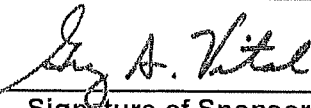
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Amendment No. \_\_\_\_\_

  
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**AMEND Senate Bill No. 795\***

**House Bill No. 1259**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 1, Part 1, is amended by adding the following new section:

**66-1-113.**

A tenancy by the entirety in real property shall not be assigned or severed, or a spouse's interest in such real property conveyed, to a third party without the written consent of both spouses or a court order.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

*Lowell Russell*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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**AMEND Senate Bill No. 1373**

**House Bill No. 287\***

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

WHEREAS, it is the express intent of the legislature to limit the costs on public projects in eminent domain proceedings; and

WHEREAS, it is the intent of the legislature to encourage entities and sign owners to enter into relocation and reconstruction agreements that allow entities to undertake public projects and accomplish public goals without the excessive expenditures of public funds while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication; now, therefore:

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, is amended by adding the following language as a new part:

**29-17-1101.**

This act is known and may be cited as the "Outdoor Advertising Relocation Agreement and Just Compensation Act."

**29-17-1102.**

As used in this part:

- (1) "Alteration" means a change, modification, or adjustment;
- (2) "Entity" means a department of state government, state agency, local governing body or zoning authority, municipality, county, political subdivision, or other governmental agency, including housing authorities organized pursuant to state law;



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(3) "Just compensation" means the cash payment of the fair market value of an outdoor advertising device in place immediately before its removal and without consideration of the effect of the ordinance or a diminution in value caused by the ordinance requiring its removal. For the purpose of determining the just compensation to be paid, an appraiser shall calculate the fair market value by considering all valuation approaches based upon the standards governing recognized valuation approaches to fair market value;

(4) "Market area" means a point within the boundaries of the same city or county of the prior location of an outdoor advertising device; and

(5) "Outdoor advertising device" means:

(A) A sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; and

(B) Does not include a sign that is an on-premises device or other type of sign exempt from regulation under title 54, chapter 17 or 21;

(6) "Reconstruction" means to erect, rebuild, replace, or alter a sign and any of its parts including, but not limited to, overall height, size, configuration, material, and architectural features;

(7) "Relocation" includes, but is not limited to, removing a sign from one (1) site and reconstructing a sign upon another site as a substitute therefore;

(8) "Relocation and reconstruction agreement" means a contractual agreement between a sign owner and an entity for the reconstruction of an existing sign or the removal of a sign and construction of a new sign to substitute for the removed sign;

(9) "Sign owner" means the owner of an outdoor advertising device;  
and

(10)

(A) "Visible" means capable of being seen and comprehended without visual aid by a person traveling the posted speed limit on the main traveled way of the highway; or

(B) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity, if an entity has received official notification from the federal highway administration that the definition of "visible" in subdivision (10)(A) jeopardizes federal funding. The commissioner shall notify the executive secretary of the Tennessee code commission regarding such federal notification, at which point, the definition under this subdivision (10)(B) applies until any federal action or proceeding challenging the definition under subdivision (10)(A) is completed or resolved and the commissioner notifies the executive secretary of the Tennessee code commission that the definition under subdivision (10)(A) is to apply. Concurrent with any notification of the executive secretary of the Tennessee code commission, the commissioner shall cause the notification and applicable definition to be published on the department's website.

**29-17-1103.**

Notwithstanding title 54, chapter 21 to the contrary, if an entity determines that a public project supervised by the entity will result in the total or partial loss of an outdoor advertising device, or the sign face is no longer visible or becomes obstructed, then the entity shall enter into negotiations, and enter into a relocation and reconstruction agreement, with the owner of the outdoor advertising device.

**29-17-1104.**

(a) Notwithstanding title 54, chapter 21, to the contrary, if the sign face of a lawfully erected outdoor advertising device is no longer visible, becomes obstructed by anything other than vegetation that does not qualify for a vegetation permit pursuant to

the Outdoor Advertising Control Act of 2020, compiled in title 54, chapter 21, or must be moved or removed due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by an entity along the interstate and primary system or any other highway, or if the public acquisition of land upon which a lawfully erected outdoor advertising device occurs as provided in this chapter, resulting in a remainder of the tract upon which the sign is located, then the owner or operator of the outdoor advertising device may, to the extent allowed by federal or state law:

(1) Elevate a conforming outdoor advertising device; or

(2) Relocate a conforming or nonconforming outdoor advertising device to a point within the market area, if the new location of the outdoor advertising device complies with the applicable zoning requirements.

(b) The elevated outdoor advertising device or outdoor advertising device to be relocated may be modified, to the extent allowed by federal or state law:

(1) To a height at which the entire advertising content of the sign is visible;

(2) To an angle at which the entire advertising content of the sign is visible; and

(3) In size or material type, at the expense of the owner, if the modification in size or material type of the outdoor advertising device is by choice of the owner or at the expense of the entity if the modification is required by the entity.

(c) The entity shall pay all costs associated with elevation, relocation, and reconstruction under subsection (b).

**29-17-1105.**

(a) If, within one (1) year of being notified by an entity that a lawfully erected outdoor advertising device must be moved or removed, the owner of the outdoor



advertising device demonstrates that the owner has made a good-faith effort to relocate the outdoor advertising device to a conforming location within the market area, but the owner has been unable to obtain a new conforming location, then the outdoor advertising device must be treated as if it cannot be relocated within the market area and the required removal of the outdoor advertising device must be considered a taking and the owner must be paid just compensation pursuant to this chapter.

(b) If a lawfully erected outdoor advertising device cannot be elevated or relocated to a conforming elevation and location within the market area, then the removal or relocation of the outdoor advertising device constitutes a taking of a property interest and the owner must be paid just compensation pursuant to this chapter.

(c) A local government may, if necessary and subject to federal law, provide for the elevation or relocation by special exception or variance to the zoning ordinance of the county or municipality. If the local government does not amend its zoning ordinance as necessary, and is not prohibited from amending its zoning ordinance by federal law, to provide for the relocation of an outdoor advertising device or does not approve a special exception or variance to the zoning ordinance filed by the outdoor advertising device's owner within one hundred twenty (120) days of application, then the local government is responsible for the payment of full and just compensation, including any costs and fees associated with the special exception or variance application, if applicable, to the outdoor advertising device's owner pursuant to this chapter.

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

SECTION 3. Notwithstanding another law to the contrary, if the department of transportation receives documentation from a federal agency that compliance with a provision of this act jeopardizes federal funding or grant money for the department, then the department

shall promulgate emergency rules in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, to address the area of noncompliance with the federal law referenced in the federal agency documentation. Notwithstanding another law to the contrary, if an entity as defined in Section 1 receives documentation from a federal agency that compliance with a provision of this act jeopardizes federal funding or grant money for an entity, then the entity shall comply with each provision of this act that does not jeopardize the federal funding or grant money. The emergency rules promulgated by the department pursuant to this section may conflict with, and take precedence over, statutory provisions to effectuate the purposes of this section. The commissioner of transportation shall deliver to the executive secretary of the Tennessee code commission a copy of the documentation from the federal agency. Concurrent with any delivery of such documentation to the executive secretary of the Tennessee code commission, the commissioner shall cause the notification and each provision of the act that jeopardizes federal funding or grant money to be published on the department's website.

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

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 659**

**House Bill No. 37\***

by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

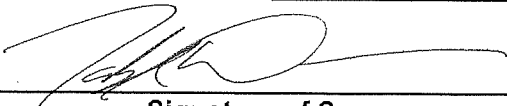
An employee or elected or appointed official of a state, local, or other government entity shall not enforce, or assist in the enforcement, of a federal law, rule, executive order, or regulation in violation of this chapter.



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**AMEND Senate Bill No. 659**

**House Bill No. 37\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-54-105, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 54, is amended by adding the following as a new section:

An employee or elected or appointed official of a state, local, or any other government entity shall not enforce, or assist in the enforcement, of a rule, executive order, or regulation in violation of this chapter.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

- (a) It is an offense for a person to disenfranchise another of the person's constitutional rights in violation of title 4, chapter 54.
- (b) It is an offense for a person to knowingly assist another in violation of subsection (a).
- (c) It is an offense for a person to order another to violate subsection (a) or (b).
- (d)
  - (1) A violation of subsection (a) is a Class A misdemeanor.
  - (2) A violation of subsection (b) is a Class B misdemeanor.
  - (3) A violation of subsection (c) is a Class E felony.

SECTION 4. This act takes effect July 1, 2023, 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. 659**

**House Bill No. 37\***

by adding the following language at the end of the amendatory language in SECTION 2:

A person shall not be discharged or terminated for refusal to violate this chapter or for reporting a violation of this chapter. An individual who alleges that the individual was terminated or discharged in violation of this section has all protections available under § 8-50-116 and § 50-1-304, and any other applicable protections as provided by law.

**AND FURTHER AMEND** by deleting subsection (d) in the amendatory language of SECTION 3.

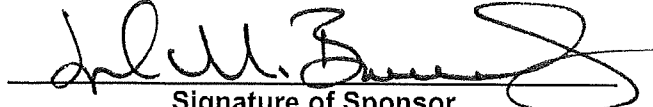


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Amendment No. 1

  
Signature of Sponsor

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**AMEND Senate Bill No. 1037**

**House Bill No. 746\***

by deleting SECTION 8 and substituting instead:

SECTION 8. Tennessee Code Annotated, Section 39-17-1352(a)(6), is amended by deleting the language "39-17-1360" and substituting instead "39-17-1358".

SECTION 9. Tennessee Code Annotated, Section 39-17-1358(b), is amended by deleting the language "§§ 39-17-1351 — 39-17-1360 or § 39-17-1366" and substituting instead "§§ 39-17-1351 – 39-17-1357, § 39-17-1366, or subsection (a)".

SECTION 10: This act takes effect July 1, 2023, the public welfare requiring it.

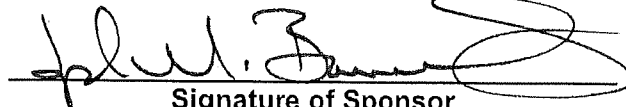


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1037**

**House Bill No. 746\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1352(a)(6), is amended by deleting the language "39-17-1360" and substituting "39-17-1358".

SECTION 2. Tennessee Code Annotated, Section 39-17-1358(b), is amended by deleting the language "39-17-1360" and substituting "39-17-1357, this section,".

SECTION 3. Tennessee Code Annotated, Section 39-17-1359(a)(2), is amended by deleting the subdivision and substituting:

(2) The prohibition in subdivision (a)(1)(A) applies to any person who is authorized to carry a firearm by authority of § 39-17-1307(g) or § 39-17-1366.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (b)(4).

SECTION 5. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subsection (c).

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_  
\_\_\_\_\_  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 775\***

**House Bill No. 1162**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 5, Part 3, is amended by deleting the part and substituting:

**29-5-301. Short title.**

This part is known and may be cited as the "Uniform Arbitration Act."

**29-5-302. Part definitions.**

As used in this part:

(1) "Arbitration organization" means an association, agency, board, commission, or other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is involved in the appointment of an arbitrator;

(2) "Arbitrator" means an individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate;

(3) "Court" means a court of competent jurisdiction in this state;

(4) "Knowledge" means actual knowledge;

(5) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or another legal or commercial entity; and

(6) "Record" means information that:

(A) Is inscribed on a tangible medium; or



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(B) Is stored in an electronic or other medium and is retrievable in perceivable form.

**29-5-303. Notice.**

(a) Except as otherwise provided in this part, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course. A form of notice that is specified by the agreement to arbitrate or the rules of an arbitration organization specified in the agreement to arbitrate, is conclusively presumed reasonable.

(b) A person has notice if the person has knowledge of the notice or has received notice.

(c) A person receives notice when the notice comes to the person's attention, or the notice is delivered at the person's place of residence or place of business, or at another location held out by the person as a place of delivery of the communications.

**29-5-304. Applicability of the part.**

(a) This part governs an agreement to arbitrate made on or after the effective date of this act.

(b) This part governs an agreement to arbitrate made before the effective date of this act, if all the parties to the agreement or to the arbitration proceeding so agree in a record.

(c) On or after the effective date of this act, this part governs an agreement to arbitrate whenever made.

**29-5-305. Effect of agreement to arbitrate; nonwaivable provisions.**

(a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the requirements of this part to the extent permitted by law.

(b) Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement shall not:

(1) Waive or agree to vary the effect of the requirements of § 29-5-306(a), § 29-5-307(a), § 29-5-309, § 29-5-318(a) or (b), § 29-5-327, or § 29-5-329;

(2) Agree to unreasonably restrict the right under § 29-5-310 to notice of the initiation of an arbitration proceeding;

(3) Agree to unreasonably restrict the right under § 29-5-313 to disclosure of facts by a neutral arbitrator; or

(4) Waive the right under § 29-5-317 of a party to an agreement to arbitrate to be represented by a lawyer at a proceeding or hearing under this part, but an employer or a labor organization may waive the right to representation by a lawyer in a labor arbitration.

(c) A party to an agreement to arbitrate or arbitration proceeding shall not waive, or the parties shall not vary the effect of, the requirements of this section or § 29-5-304(a) or (c), § 29-5-308, § 29-5-315, § 29-5-319, § 29-5-321(d) or (e), § 29-5-323, § 29-5-324, § 29-5-325, § 29-5-326(a) or (b), § 29-5-330, § 29-5-331, § 29-5-332, or § 29-5-333.

**29-5-306. Application for judicial relief.**

(a) Except as otherwise provided in § 29-5-329, an application for judicial relief under this part must be made by petition to the court and heard in the manner provided by law or rule of court for making and hearing motions.

(b) Unless a civil action involving the agreement to arbitrate is pending, notice of an initial petition to the court under this part must be served in the manner provided by law for the service of a summons in a civil action. Otherwise, notice of the motion must be given in the manner provided by law or rule of court for serving motions in pending cases.

**29-5-307. Validity of agreement to arbitrate.**

(a) An agreement contained in a record to submit to arbitration an existing or subsequent controversy arising between the parties to the agreement is valid, enforceable, and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract.

(b) The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

(c) An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

(d) If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, then the arbitration proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

**29-5-308. Motion to compel or stay arbitration.**

(a) On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate pursuant to the agreement:

(1) If the refusing party does not appear or does not oppose the motion, then the court must order the parties to arbitrate; and

(2) If the refusing party opposes the motion, then the court must proceed summarily to decide the issue and order the parties to arbitrate, unless the court finds that there is no enforceable agreement to arbitrate.

(b) On motion of a person alleging that an arbitration proceeding has been initiated or threatened but that there is no agreement to arbitrate, the court shall proceed summarily to decide the issue. If the court finds that there is an enforceable agreement to arbitrate, then the court shall order the parties to arbitrate.

(c) If the court finds that there is no enforceable agreement, then the court must not order the parties to arbitrate pursuant to subsection (a) or (b).

(d) The court shall not refuse to order arbitration because the claim subject to arbitration lacks merit or grounds for the claim have not been established.

(e) If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, then a motion under this section must be made in that court. Otherwise a motion under this section must be made in a court as provided in § 29-5-328.

(f) If a party makes a motion to the court to order arbitration, then the court on just terms must stay a judicial proceeding that involves a claim alleged to be subject to the arbitration until the court renders a final decision under this section.

(g) If the court orders arbitration, then the court on just terms must stay a judicial proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is severable, then the court may limit the stay to that claim.

**29-5-309. Provisional remedies.**

(a) Before an arbitrator is appointed and is authorized and able to act, the court, upon a motion of a party to an arbitration proceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent, and under the same conditions, as if the controversy were the subject of a civil action.

(b) After an arbitrator is appointed and is authorized and able to act:

(1) The arbitrator may issue orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the extent permitted by the agreement to arbitrate or by the rules of an arbitration organization provided in the agreement; and

(2) A party to an arbitration proceeding may move the court for a provisional remedy only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator cannot provide an adequate remedy. The provisional

remedy is limited to remedies calculated to preserve the parties' status quo pending appointment of and action by the arbitrator.

(c) A party does not waive a right of arbitration by making a motion under subsection (a) or (b).

**29-5-310. Initiation of arbitration.**

(a) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(b) Unless a person objects for lack or insufficiency of notice under § 29-5-316(c) no later than the beginning of the arbitration hearing, the person, by appearing at the hearing, waives an objection to lack of or insufficiency of notice.

**29-5-311. Consolidation of separate arbitration proceedings.**

(a) Class or collective arbitrations in any case governed by this chapter shall not be permitted, unless the agreements to arbitrate of all parties to be joined expressly permit the arbitrator or arbitrators to entertain such actions. In cases where class or collective arbitration is permitted, the arbitrator or arbitrators shall have the authority specified in this section. Nothing in this section prohibits the consolidation of proceedings in cases where all affected parties expressly agree to consolidation; provided, consolidation is not prohibited by the parties' agreement as provided in subsection (d).

(b) Except as otherwise provided in subsection (d), upon a motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims, if:

(1) There are separate agreements to arbitrate or separate arbitration proceedings between the same persons or one (1) of them is a party to a

separate agreement to arbitrate or a separate arbitration proceeding with a third person;

(2) The claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;

(3) The existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and

(4) Prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of, or hardship to, parties opposing consolidation.

(c) The court may order consolidation of separate arbitration proceedings as to some claims and allow other claims to be resolved in separate arbitration proceedings.

(d) The court shall not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

**29-5-312. Appointment of arbitrator; service as a neutral arbitrator.**

(a) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, then that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails, or an arbitrator appointed fails or is unable to act and a successor has not been appointed, then the court, on a motion of a party to the arbitration proceeding, must appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed method.

(b) An individual who has a known, direct, and material interest in the outcome of the arbitration proceeding or a known, existing, and substantial relationship with a party shall not serve as an arbitrator required by an agreement to be neutral.

**29-5-313. Disclosure by arbitrator.**

(a) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the

agreement to arbitrate and arbitration proceeding and to other arbitrators known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

(1) A financial or personal interest in the outcome of the arbitration proceeding; and

(2) An existing or past relationship with the parties to the agreement to arbitrate or the arbitration proceeding, the parties' counsel or representatives, a witness, or other arbitrators.

(b) An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitration proceeding and to other arbitrators facts that the arbitrator learns after accepting appointment that a reasonable person would consider likely to affect the impartiality of the arbitrator.

(c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, then the objection may be a ground under § 29-5-324(a)(2) for vacating an award made by the arbitrator.

(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon timely objection by a party, then the court under § 29-5-324(a)(2) may vacate an award.

(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct, and material interest in the outcome of the arbitration proceeding, or a known, existing, and substantial relationship with a party, is presumed to act with evident partiality under § 29-5-324(a)(2).

(f) If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or other procedures for challenges to arbitrators before an award is made, then substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under § 29-5-324(a)(2).

**29-5-314. Action by majority.**

If there is more than one (1) arbitrator, then the powers of an arbitrator must be exercised by a majority of the arbitrators, and all of them must conduct the hearing under § 29-5-316(c).

**29-5-315. Immunity of arbitrator; competency to testify; attorney's fees and costs.**

(a) An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

(b) The immunity afforded by this section supplements immunity afforded under other law.

(c) The failure of an arbitrator to make a disclosure required by § 29-5-313 does not cause a loss of immunity under this section.

(d) In a judicial, administrative, or similar proceeding, an arbitrator or representative of an arbitration organization is not competent to testify, and is not required to produce records as to statements, conduct, decisions, or rulings occurring during the arbitration proceeding, to the same extent as a judge of a court of this state acting in a judicial capacity. This subsection (d) does not apply:

(1) To the extent necessary to determine the claim of an arbitrator, arbitration organization, or representative of the arbitration organization against a party to the arbitration proceeding; or

(2) To a hearing on a motion to vacate an award under § 29-5-324(a)(1) or (2) if the movant establishes prima facie that a ground for vacating the award exists.

(e) If a person commences a civil action against an arbitrator, arbitration organization, or representative of an arbitration organization arising from the services of the arbitrator, organization, or representative, or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify or produce records



in violation of subsection (d), and the court decides that the arbitrator, arbitration organization, or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is not competent to testify, then the court must award to the arbitrator, organization, or representative reasonable attorney's fees and other reasonable expenses of litigation.

**29-5-316. Arbitration process.**

(a) An arbitrator may conduct an arbitration in the manner as the arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality, and weight of evidence.

(b) An arbitrator may decide a request for summary disposition of a claim or particular issue:

(1) If all interested parties agree; or

(2) Upon request of one (1) party to the arbitration proceeding, if that party gives notice to all other parties to the proceeding and the other parties have a reasonable opportunity to respond.

(c) If an arbitrator orders a hearing, then the arbitrator must set a time and place and give notice of the hearing no less than five (5) days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice no later than the beginning of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but shall not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award, unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced, although a party who was duly notified of

the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

(d) At a hearing under subsection (c), a party to the arbitration proceeding has a right to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing.

(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, then a replacement arbitrator must be appointed in accordance with § 29-5-312 to continue the proceeding and to resolve the controversy.

**29-5-317. Representation by lawyer.**

A party to an arbitration proceeding may be represented by a lawyer.

**29-5-318. Witnesses; subpoenas; depositions; discovery.**

(a) An arbitrator may issue a subpoena for the attendance of a witness, and for the production of records and other evidence at a hearing, and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon a motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

(b) In order to make the proceedings fair, expeditious, and cost effective, upon request of a party to, or a witness in, an arbitration proceeding, an arbitrator may permit a deposition of a witness to be taken for use as evidence at the hearing, including a witness who cannot be subpoenaed for, or is unable to attend, a hearing. The arbitrator shall determine the conditions under which the deposition is taken.

(c) An arbitrator may permit discovery as the arbitrator decides is appropriate in the circumstances, taking into account the needs of the parties to the arbitration proceeding and other affected persons and the desirability of making the proceeding fair, expeditious, and cost effective.

(d) If an arbitrator permits discovery under subsection (c), then the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-

related orders, issue subpoenas for the attendance of a witness and for the production of records and other evidence at a discovery proceeding, and take action against a noncomplying party to the extent a court could if the controversy were the subject of a civil action in this state.

(e) An arbitrator may issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets, and other information protected from disclosure to the extent a court could if the controversy were the subject of a civil action in this state.

(f) All laws compelling a person under subpoena to testify, and all fees for attending a judicial proceeding, a deposition, or a discovery proceeding as a witness, apply to an arbitration proceeding as if the controversy were the subject of a civil action in this state.

(g) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this state and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court so as to make the arbitration proceeding fair, expeditious, and cost effective. A subpoena or discovery-related order issued by an arbitrator in another state must be served in the manner provided by law for service of subpoenas in a civil action in this state and, upon a motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

**29-5-319. Judicial enforcement of pre-award ruling by arbitrator.**

If an arbitrator makes a pre-award ruling in favor of a party to the arbitration proceeding, then the party may request the arbitrator to incorporate the ruling into an award under § 29-5-320. A prevailing party may make a motion to the court for an expedited order to confirm the award under § 29-5-323, in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award,

unless the court vacates, modifies, or corrects the award under § 29-5-324 or § 29-5-325.

**29-5-320. Award.**

(a) An arbitrator shall make a record of an award. The record must be signed or otherwise authenticated by an arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

(b) An award must be made within the time specified by the agreement to arbitrate or, if not specified in the agreement, within the time ordered by the court. The court may extend, or the parties to the arbitration proceeding may agree in a record, to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives an objection that an award was not timely made, unless the party gives notice of the objection to the arbitrator before receiving notice of the award.

**29-5-321. Change of award by arbitrator.**

(a) On a motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

(1) Upon a ground stated in § 29-5-325(a)(1) or (3);

(2) Because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or

(3) To clarify the award.

(b) A motion under subsection (a) must be made and notice given to all parties within twenty (20) days after the movant receives notice of the award.

(c) A party to the arbitration proceeding shall give notice of an objection to the motion within ten (10) days after receipt of the notice.

(d) If a motion to the court is pending under § 29-5-323, § 29-5-324, or § 29-5-325, then the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

(1) Upon a ground stated in § 29-5-325(a)(1) or (a)(3);

(2) Because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or

(3) To clarify the award.

(e) An award modified or corrected pursuant to this section is subject to §§ 29-5-320(a), 29-5-323, 29-5-324, and 29-5-325.

**29-5-322. Remedies; fees, and expenses of arbitration proceeding.**

(a) In all cases in which the agreement of the parties does not exclude the seeking of punitive damages, an arbitrator may award punitive damages or other exemplary relief, if the award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

(b) An arbitrator may award reasonable attorney's fees and other reasonable expenses of arbitration, if the award is authorized by law in a civil action involving the same claim or by the agreement of the parties to the arbitration proceeding.

(c) As to all remedies other than those authorized by subsections (a) and (b), an arbitrator may order remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that a remedy could not or would not be granted by the court is not a ground for refusing to confirm an award under § 29-5-323 or for vacating an award under § 29-5-324.

(d) An arbitrator's expenses and fees, together with other expenses, must be paid as provided in the award.

(e) If an arbitrator awards punitive damages or other exemplary relief under subsection (a), then the arbitrator must specify in the award the basis in fact justifying, and the basis in law authorizing, the award and state separately the amount of the punitive damages or other exemplary relief.

**29-5-323. Confirmation of award.**

After a party to an arbitration proceeding receives notice of an award, the party may make a motion or petition to the court for an order confirming the award, at which time, the court must issue a confirming order, unless the award is modified or corrected pursuant to § 29-5-321 or § 29-5-325, or is vacated pursuant to § 29-5-324.

**29-5-324. Vacating award.**

(a) Upon a motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

(1) The award was procured by corruption, fraud, or other undue means;

(2) There was:

(A) Evident partiality by an arbitrator appointed as a neutral arbitrator;

(B) Corruption by an arbitrator; or

(C) Misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;

(3) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to § 29-5-316, so as to prejudice substantially the rights of a party to the arbitration proceeding;

(4) An arbitrator exceeded the arbitrator's powers;

(5) There was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under § 29-5-316(c) no later than the beginning of the arbitration hearing; or

(6) The arbitration was conducted without proper notice of the initiation of an arbitration as required in § 29-5-310 so as to prejudice substantially the rights of a party to the arbitration proceeding.

(b) A motion under this section must be filed within ninety (90) days after the movant receives notice of the award pursuant to § 29-5-320, or within ninety (90) days

after the movant receives notice of a modified or corrected award pursuant to § 29-5-321, unless the movant alleges that the award was procured by corruption, fraud, or other undue means, in which case, the motion must be made within ninety (90) days after the ground is known or by the exercise of reasonable care would have been known by the movant.

(c) If the court vacates an award on a ground other than that set forth in subdivision (a)(5), then the court may order a rehearing. If the award is vacated on a ground stated in subdivision (a)(1) or (a)(2), then the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in subdivision (a)(3), (a)(4), or (a)(6), then the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in § 29-5-320(b) for an award.

(d) If the court denies a motion to vacate an award, then the court must confirm the award, unless a motion to modify or correct the award is pending.

**29-5-325. Modification or correction of award.**

(a) Upon a motion made within ninety (90) days after the movant receives notice of the award pursuant to § 29-5-320, or within ninety (90) days after the movant receives notice of a modified or corrected award pursuant to § 29-5-321, the court shall modify or correct the award if:

(1) There was an evident mathematical miscalculation or an evident mistake in the description of a person, thing, or property referred to in the award;

(2) The arbitrator has made an award on a claim not submitted to the arbitrator and the award may be corrected without affecting the merits of the decision upon the claims submitted; or

(3) The award is imperfect in a matter of form not affecting the merits of the decision on the claims submitted.

(b) If a motion made under subsection (a) is granted, then the court must modify or correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is pending, the court shall confirm the award.

(c) A motion to modify or correct an award pursuant to this section may be joined with a motion to vacate the award.

**29-5-326. Judgment on award; attorney's fees, and litigation expenses.**

(a) Upon granting an order confirming, vacating without directing a rehearing, modifying, or correcting an award, the court shall enter a judgment in conformity with the award. The judgment may be recorded, docketed, and enforced as other judgments in a civil action.

(b) A court may allow reasonable costs of the motion and subsequent judicial proceedings.

(c) On application of a prevailing party to a contested judicial proceeding under § 29-5-323, § 29-5-324, or § 29-5-325, the court may add reasonable attorney's fees and other reasonable expenses of litigation incurred in a judicial proceeding after the award is made to a judgment confirming, vacating without directing a rehearing, modifying, or correcting an award.

**29-5-327. Jurisdiction.**

(a) A court of this state having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

(b) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under this part.

**29-5-328. Venue.**

A motion pursuant to § 29-5-306 must be made in the court of the county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which the hearing was held. Otherwise, the motion may be made in the court of a county in which an adverse party



resides or has a place of business or, if no adverse party has a residence or place of business in this state, then in the court of any county in this state. Subsequent motions must be made in the court hearing the initial motion unless the court otherwise directs.

**29-5-329. Appeals.**

(a) An appeal may be taken from:

- (1) An order denying a motion to compel arbitration;
- (2) An order granting a motion to stay arbitration;
- (3) An order confirming or denying confirmation of an award;
- (4) An order modifying or correcting an award;
- (5) An order vacating an award without directing a rehearing; or
- (6) A final judgment entered pursuant to this part.

(b) An appeal under this section must be taken as from an order or a judgment in a civil action.

**29-5-330. Uniformity of application and construction.**

In applying and construing this part, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**29-5-331. Relationship to electronic signatures in global and national commerce act.**

The provisions of this part governing the legal effect, validity, and enforceability of electronic records or electronic signatures, and of contracts performed with the use of electronic records or signatures conform to the requirements of Section 102 of the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7002).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to an action or proceeding commenced, or right accrued, on or after that date.

Amendment No. \_\_\_\_\_



\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 491\***

**House Bill No. 1351**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-8-302, is amended by redesignating the current language as subsection (a) and adding the following subsequent subsections:

(b) Notwithstanding § 28-1-105, an action brought pursuant to subsection (a) must be filed within one (1) year after the cause of action accrued.

(c)

(1) The county has sixty (60) days in which to answer or otherwise respond to any action brought pursuant to subsection (a).

(2) A claim is deemed to have been denied if at the end of the sixty-day period the county has failed to approve or deny the claim.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



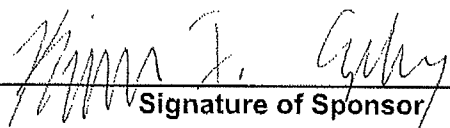
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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 823**

**House Bill No. 795\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1306(a), is amended by deleting "building in which judicial proceedings are in progress any" and substituting "courtroom a".

SECTION 2. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivision (c)(1) and substituting:

(1) Is in the actual discharge of official duties as a law enforcement officer, or is employed in the armed forces of the United States or a member of the Tennessee national guard in the line of duty and pursuant to military regulations, or is in the actual discharge of official duties as a guard employed by a penal institution, or as a bailiff, marshal, or other court officer who has responsibility for protecting persons or property or providing security;

SECTION 3. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivisions (c)(4) and (5).

SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by deleting subdivision (g)(2)(C) and substituting:

(C) Places in which firearms are prohibited by § 39-17-1306;

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

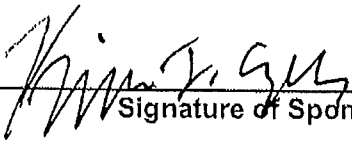


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 823**

**House Bill No. 795\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1306, is amended by deleting subdivisions (c)(4) and (c)(5) and substituting:

(4)

(A) Is authorized to carry a handgun pursuant to § 39-17-1351; and

(B) Is not in:

(i) A room in which judicial proceedings are in progress; or

(ii) A building that is primarily used for judicial proceedings;

provided, that the building must prominently display a sign at each entrance and exit to the building that is used by the public, stating that possession of firearms is prohibited.

SECTION 2. Tennessee Code Annotated, Section 39-17-1306, is amended by adding the following as a new subsection:

(d) A law enforcement agency or an entity providing security for a building that is not used primarily for judicial proceedings, but in which judicial proceedings are held, may cordon off an area where judicial proceedings are in progress for the purpose of restricting access to that area in accordance with this section.

SECTION 3. This act takes effect July 1, 2023, 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. 1159**

**House Bill No. 1029\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by deleting subdivision (a)(1) and substituting:

(1) Proceedings in which a child:

(A) Is alleged to be unruly, dependent and neglected, or to have committed a juvenile traffic offense as defined in § 37-1-146; and

(B) Is alleged to be delinquent, unless the child must be charged in criminal court pursuant to § 37-1-134;

SECTION 2. Tennessee Code Annotated, Section 37-1-104, is amended by deleting subsection (c) and substituting:

(c)

(1) The juvenile, circuit, and chancery courts have concurrent jurisdiction to terminate parental or guardian rights pursuant to the provisions of title 36, chapter 1, part 1; and

(2) The juvenile, criminal, and circuit courts have concurrent jurisdiction in proceedings in which a child is alleged to be delinquent and the child must be charged in criminal court pursuant to § 37-1-134.

SECTION 3. Tennessee Code Annotated, Section 37-1-134, is amended by deleting the section and substituting:

(a)

(1)



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(A) If a child is alleged to have committed an offense or engaged in conduct that is designated a crime or public offense under the laws, including local ordinances, of this state, and the child meets one (1) or more of the criteria listed in subdivision (a)(1)(B), then a petition alleging delinquency must be filed in the appropriate criminal court of competent jurisdiction.

(B) Subdivision (a)(1)(A) applies if the child was:

(i) Less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

(ii) Fourteen (14) years of age or more but less than seventeen (17) years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated sexual battery when the victim is less than thirteen (13) years of age, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offense;

(iii) Sixteen (16) years of age or more at the time of the alleged conduct and charged with:

(a) The offense of robbery or attempt to commit robbery; or

(b) Any offense if a deadly weapon was used during the commission of the offense; or

(iv) Seventeen (17) years of age or more at the time of the alleged conduct.

(2)

(A) If a petition has been filed with the criminal court pursuant to subdivision (a)(1)(A), then the criminal court shall, before a hearing on the merits of the petition, conduct a hearing to determine whether the child shall be tried as an adult in criminal court or if the petition should be transferred to the juvenile court for delinquency proceedings on the merits.

(B) A hearing pursuant to subdivision (a)(2)(A) must be held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127.

(C) The court shall provide reasonable notice in writing of the time, place, and purpose of the hearing to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(b)

(1) Except as provided in subdivision (b)(3), the child shall be tried as an adult in criminal court if the criminal court finds probable cause to believe that:

(A) The child committed the delinquent act as alleged;

(B) The child is not committable to an institution for the developmentally disabled or mentally ill; and

(C) The interest of the community requires that the child be put under legal restraint or discipline.

(2) In making the determination required by this section, the criminal court shall consider, among other matters:

(A) Whether the offense was against a person or property, with greater weight in favor of a determination that the child shall be tried as an adult in criminal court if the offense was against a person;

(B) Whether the offense was committed in an aggressive and premeditated manner;

(C) Whether the child's conduct would be a criminal gang offense, as defined in § 40-35-121, if committed by an adult; and

(D) Whether the child's history demonstrates the child is, or has been, a victim of human trafficking.

(3) The district attorney general shall not seek, nor shall any child tried in an adult criminal court receive, a mandatory sentence of death or imprisonment for life without the possibility of parole.

(c)

(1) If the criminal court determines that the child shall be tried as an adult in criminal court, then the court shall enter a written order detailing the court's findings of fact and conclusions of law. Following entry of the order, the child is subject to indictment, presentation, or information for the offense charged.

(2) If the criminal court determines that the child shall not be tried as an adult in criminal court, then the court shall enter a written order detailing the court's findings of fact and conclusions of law, and the petition shall be transferred to the juvenile court for delinquency proceedings on the merits pursuant to § 37-1-131.

(d)

(1) If the criminal court determines that the child shall be tried as an adult in criminal court, then the jurisdiction of the juvenile court with respect to any and all delinquent acts with which the child may then or thereafter be charged is terminated, and the child shall thereafter be dealt with as an adult as to all



pending and subsequent criminal charges except in the following circumstances, in which the juvenile court retains concurrent jurisdiction:

(A) The child is acquitted in criminal court on the charge or charges; or

(B) The charge or charges were dismissed by the criminal court.

(2) If a child is in the legal custody of the department at the time of the hearing, then custody terminates at the hearing, except that if the child is already committed to the department, the court may determine if it is in the best interest of the child to remain in the legal custody of the department until a conviction occurs. Legal custody by the department terminates upon a conviction in adult criminal court. If the child is acquitted of the charges or if no conviction occurs and the charge is dismissed, then the presiding judge shall notify the appropriate juvenile court of the dismissal or acquittal so that the juvenile court may, at its discretion, set a hearing to ascertain the status of the child as to the department's custody.

(e) If a person eighteen (18) years of age or older is charged with an offense that was alleged to have been committed prior to the person's eighteenth birthday, then the petition must be brought in the adult criminal court having jurisdiction at the time of the offense. The adult criminal court shall determine, pursuant to this section, whether the case should be adjudicated in the juvenile court under its continuing jurisdiction authority pursuant to § 37-1-102(b)(5)(B) and (C) or whether the matter should be tried in the adult criminal court.

(f) A child, either before or after reaching eighteen (18) years of age, shall not be prosecuted for an offense previously committed unless a hearing has been held pursuant to subsection (a).

(g)

(1) Statements made by the child at a hearing held pursuant to subsection (a) are not admissible against the child, over objection, in the criminal proceedings following the court's decision that the child shall be tried as an adult in criminal court.

(2) A hearing held pursuant to subsection (a) shall be recorded using the procedure provided in title 40, chapter 14, part 3.

(h) If the criminal court determines that the child shall be tried as an adult in criminal court, then the judge who conducted the hearing pursuant to subsection (a) shall not, over objection of an interested party, preside at the criminal trial.

(i) After a child has been sentenced to an adult institution, the department of correction may file a petition requesting the committing court to allow the department to transfer the defendant to an institution for juvenile delinquents administered by the department of children's services. Upon the approval of the committing court, the defendant may be transferred by the department of correction to a child-caring institution to be held until the defendant's eighteenth birthday. At the defendant's eighteenth birthday, the defendant may be transferred to an adult institution if there is time remaining on the defendant's term. If the term expires prior to the defendant's eighteenth birthday, then the defendant must be released. A child sentenced by a committing court pursuant to this section shall, for the purposes of parole, be treated as if the child were an adult. The provisions of this section relative to housing juveniles who have obtained the age of eighteen (18) are not affected by subsections (j), (k), and (l).

(j) When a child being tried as an adult in criminal court pursuant to subsection (a) is detained, the adult criminal court may, in its discretion, order confinement in a local juvenile detention facility, or a juvenile detention facility with which the juvenile court contracts, or an adult detention facility separate and removed from adult detainees. If the adult criminal court orders detention in an adult detention facility separate and removed from adult detainees, then during the period while the child is detained

separately from adult detainees, the child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for adults shall be implemented for a child so detained, but such regulations and policies shall in no way affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(k) A child who was less than sixteen (16) years of age at the time of the offense and who is subsequently convicted in adult criminal court and committed, must be housed in a juvenile correctional facility until such person reaches sixteen (16) years of age, at which time the child may be transferred upon the order of the committing court to an adult facility. A child committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of a person committed to the custody of the department, the commissioner of correction shall take into consideration the proximity of the institution to the child's home. However, during any period while the child is confined separately from adult inmates within the regional facility, the child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but such regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

(l) A child who was sixteen (16) years of age or older at the time of the offense and is subsequently convicted in adult criminal court and committed shall be housed in a juvenile correctional facility unless the committing court orders commitment to an adult

facility. A child committed to an adult facility under this section must be housed separate and removed from adult inmates. In exercising the commissioner's discretion under § 41-1-403 to determine the institutional location of a person committed to the custody of the department, the commissioner of correction shall take into consideration the proximity of the institution to the child's home. However, during any period while the child is confined separately from adult inmates within the regional facility, the child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult inmates who are confined for similar offenses. Similar regulations and policies governing educational opportunities for adults must be implemented for a child so detained, but the regulations and policies do not affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq.

SECTION 4. Tennessee Code Annotated, Section 37-1-102(b)(5)(B)(iii), is amended by deleting the language "with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134".

SECTION 5. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(5)(D).

SECTION 6. Tennessee Code Annotated, Section 37-1-126(c)(4), is amended by deleting "a child who has been transferred or is awaiting a transfer hearing pursuant to § 37-1-134 or".

SECTION 7. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (d)(2)(A) and subdivision (e)(2)(A).

SECTION 8. Tennessee Code Annotated, Section 37-1-135, is amended by deleting "to transfer a child under" and substituting "held pursuant to".

SECTION 9. Tennessee Code Annotated, Section 37-1-137(d)(1)(B), is amended by deleting the last sentence and substituting:

This section does not prevent the child from being tried as an adult in criminal court pursuant to § 37-1-134.

SECTION 10. Tennessee Code Annotated, Section 37-1-137(d)(2), is amended by deleting the last sentence and substituting:

This section does not prevent the child from being tried as an adult in criminal court pursuant to § 37-1-134.

SECTION 11. Tennessee Code Annotated, Section 37-1-153, is amended by deleting subdivision (f)(1)(A)(iii) and substituting:

(iii) Has never been convicted of a criminal offense as an adult, has never been convicted of a criminal offense as a juvenile tried in adult criminal court pursuant to § 37-1-134, and has never been convicted of a sexual offense, as defined in § 40-39-202, whether in juvenile court, in adult criminal court pursuant to § 37-1-134, or as an adult;

SECTION 12. Tennessee Code Annotated, Section 37-1-154(a), is amended by deleting "Unless a charge of delinquency is transferred for criminal prosecution under" and substituting "Unless a child is tried as an adult in criminal court pursuant to".

SECTION 13. Tennessee Code Annotated, Section 37-1-159(a), is amended by deleting ", except a proceeding pursuant to § 37-1-134,".

SECTION 14. Tennessee Code Annotated, Section 37-1-159, is amended by deleting subsections (d) and (e).

SECTION 15. Tennessee Code Annotated, Section 37-1-159(f), is amended by deleting "pursuant to subsection (e)" and substituting "pursuant to § 37-1-134".

SECTION 16. Tennessee Code Annotated, Section 37-1-170(f), is amended by deleting "in a case that has been transferred to the criminal court pursuant to the provisions of § 37-1-134" and substituting "in which a child is tried as an adult in criminal court pursuant to § 37-1-134".

SECTION 17. Tennessee Code Annotated, Section 37-5-103(4)(A)(ii)(c), is amended by deleting the language "with the court having the option of retaining jurisdiction for adjudication and disposition or transferring the person to criminal court under § 37-1-134".

SECTION 18. Tennessee Code Annotated, Section 37-5-103, is amended by deleting subdivision (4)(C).

SECTION 19. Tennessee Code Annotated, Section 40-35-106(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the juvenile being tried as an adult in criminal court".

SECTION 20. Tennessee Code Annotated, Section 40-35-106(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "juvenile was tried as an adult in criminal court".

SECTION 21. Tennessee Code Annotated, Section 40-35-107(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the juvenile being tried as an adult in criminal court".

SECTION 22. Tennessee Code Annotated, Section 40-35-107(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "juvenile was tried as an adult in criminal court".

SECTION 23. Tennessee Code Annotated, Section 40-35-108(b)(3)(A), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the juvenile being tried as an adult in criminal court".

SECTION 24. Tennessee Code Annotated, Section 40-35-108(b)(3)(B), is amended by deleting "juvenile was transferred to criminal court" and substituting "juvenile was tried as an adult in criminal court".

SECTION 25. Tennessee Code Annotated, Section 40-35-120(e)(3), is amended by deleting "a transfer of the juvenile to criminal court" and substituting "the juvenile being tried as an adult in criminal court".

SECTION 26. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1193**

**House Bill No. 1030\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-120(a), is amended by deleting the subsection and substituting:

(a) A "repeat violent offender" is a defendant who:

(1) Is convicted in this state on or after July 1, 1994, and before July 1, 2023, of any offense classified in subdivision (b)(1) as a violent offense; and

(2) Has at least two (2) prior convictions for offenses classified in subdivision (b)(1) or (b)(2) as a violent offense; or

(3) Is convicted in this state on or after July 1, 1994, and before July 1, 2023, of any offense classified in subdivision (c)(1) as a violent offense; and

(4) Has at least one (1) conviction for an offense classified in subdivision (c)(1) or (c)(2) as a violent offense; or

(5) Is convicted in this state on or after July 1, 1995, and before July 1, 2023, of any offense classified in subdivision (d)(1) as a violent offense; and

(6) Has at least one (1) prior conviction for an offense classified in subdivision (d)(1) or (d)(2) as a violent offense with the exception of the prior offense of robbery by use of a deadly weapon as listed in § 40-35-118(a).

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Prior conviction":



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(A) Means the defendant was convicted of a violent offense that occurred before the violent offense for which the defendant is to be sentenced; provided, however, that a defendant who was convicted of multiple violent offenses based on conduct that occurred contemporaneously, occurred at the same location, and represented a single continuous criminal episode with a single criminal intent shall only be considered to have a prior conviction for the offense that would result in the highest point allocation pursuant to this section;

(B) Does not include a finding or adjudication that the defendant committed an act as a juvenile that is designated as a violent offense if committed by an adult, unless the defendant was tried as an adult in criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions, and was convicted of the violent offense in a criminal court and sentenced as an adult; and

(C) Includes convictions under the laws of any other state, government, or country that, if committed in this state, would have constituted a violent offense. If a felony from another jurisdiction is not a named violent offense and if the elements of the felony are the same as a violent offense, the offense shall be considered a prior conviction;

(2) "Repeat violent offender" means a defendant who is convicted of a violent offense, which occurred on or after July 1, 2023, and the combination of the strikes allocated pursuant to this section for the violent offense and the defendant's prior convictions equals three (3) or more strikes; and

(3) "Violent offense" means:

(A) The following offenses, each of which results in the offender receiving one and one-half (1.5) strikes:



- (i) First degree murder, as defined in § 39-13-202, with a sentence of life imprisonment, or any attempt, solicitation, conspiracy, or facilitation to commit first degree murder;
- (ii) Second degree murder, as defined in § 39-13-210;
- (iii) Especially aggravated kidnapping, as defined in § 39-13-305;
- (iv) Aggravated kidnapping, as defined in § 39-13-304;
- (v) Especially aggravated robbery, as defined in § 39-13-403;
- (vi) Aggravated rape, as defined in § 39-13-502;
- (vii) Rape, as defined in § 39-13-503;
- (viii) Aggravated sexual battery, as defined in § 39-13-504;
- (ix) Rape of a child, as defined in § 39-13-522;
- (x) Aggravated rape of a child, as defined in § 39-13-531;
- (xi) Especially aggravated rape, as defined in § 39-13-534;
- (xii) Especially aggravated rape of a child, as defined in § 39-13-535;
- (xiii) Especially aggravated burglary, as defined in § 39-13-1004;
- (xiv) Aggravated arson, as defined in § 39-14-302;
- (xv) Aggravated child abuse, as defined in § 39-15-402;
- (xvi) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004;
- (xvii) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005; and

(xviii) Any offense that was repealed on November 1, 1989, and is listed in § 40-35-118(a) as a Class A or B felony against a person, with the exception of the offense of robbery by use of a deadly weapon;

(B) The following offenses, each of which results in the offender receiving one (1) strike:

(i) Female genital mutilation, as defined in § 39-13-110;

(ii) Domestic assault, as defined in § 39-13-111, when the offense is a felony offense;

(iii) Vehicular homicide, as defined in § 39-13-213(a)(2);

(iv) Aggravated vehicular homicide, as defined in § 39-13-218;

(v) Trafficking for a commercial sex act, as defined in § 39-13-309;

(vi) Advertising commercial sexual abuse of a minor, as defined in § 39-13-315;

(vii) Aggravated human trafficking, as defined in § 39-13-316;

(viii) Aggravated robbery, as defined in § 39-13-402;

(ix) Carjacking, as defined in § 39-13-404;

(x) Sexual battery, as defined in § 39-13-505;

(xi) Aggravated statutory rape, as defined in § 39-13-506(c);

(xii) Indecent exposure, as defined in § 39-13-511, when the offense is a felony offense;

(xiii) Patronizing prostitution, as defined in § 39-13-514(b)(3);

- (xiv) Promoting prostitution, as defined in § 39-13-515;
- (xv) Public indecency, as defined in § 39-13-517(d)(3);
- (xvi) Continuous sexual abuse of a child, as defined in § 39-13-518;
- (xvii) Sexual battery by an authority figure, as defined in § 39-13-527;
- (xviii) Solicitation of a minor, as defined in § 39-13-528, when the offense is a felony offense;
- (xix) Soliciting sexual exploitation of a minor or exploitation of a minor by electronic means, as defined in § 39-13-529;
- (xx) Statutory rape by an authority figure, as defined in § 39-13-532;
- (xxi) Promoting travel for prostitution, as defined in § 39-13-533;
- (xxii) Unlawful photographing in violation of privacy, as defined in § 39-13-605, when the victim is under thirteen (13) years of age;
- (xxiii) Observation without consent, as defined in § 39-13-607(d)(2);
- (xxiv) Incest, as defined in § 39-15-302;
- (xxv) Child abuse or child neglect or endangerment, as defined in § 39-15-401;
- (xxvi) Aggravated child endangerment or neglect, as defined in § 39-15-402;
- (xxvii) Using a minor to produce, import, prepare, distribute, process, or appear in obscene material, as defined in § 39-17-902(b);

(xxviii) Unlawful sale, distribution, or transportation with intent to sell or distribute a child-like sex doll, as defined in § 39-17-910(f);

(xxix) Sexual exploitation of a minor, as defined in § 39-17-1003;

(xxx) Facilitation, under § 39-11-403, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxi) Criminal attempt, under § 39-12-101, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxii) Solicitation, under § 39-12-102, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii);

(xxxiii) Conspiracy, under § 39-12-103, to commit any of the offenses listed in this subdivision (a)(3)(B) or subdivisions (a)(3)(A)(ii)–(a)(3)(A)(xviii); and

(xxxiv) Robbery by use of a deadly weapon, as defined in § 39-2-501 [repealed];

(C) The following offenses, each of which results in the offender receiving one-half (1/2) strike:

(i) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iii) or § 39-13-102(a)(1)(B)(iii), if the offense involved the use of a deadly weapon;

(ii) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iv);

(iii) Aggravated assault, as defined in § 39-13-102, if the offense resulted in serious bodily injury to or the death of another;

(iv) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(3), if the offense involved the use of a deadly weapon;

(v) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(1), (b)(2), or (b)(4);

(vi) Voluntary manslaughter, as defined in § 39-13-211;

(vii) Criminally negligent homicide, as defined in § 39-13-212;

(viii) Vehicular homicide, as defined in § 39-13-213(a)(1), (a)(3), or (a)(4);

(ix) Reckless homicide, as defined in § 39-13-215;

(x) Involuntary labor servitude, as defined in § 39-13-307;

(xi) Trafficking persons for forced labor or services, as defined in § 39-13-308;

(xii) Aggravated burglary, as defined in § 39-13-1003;

(xiii) The manufacture, delivery, or sale of a controlled substance, as defined in § 39-17-417, where the instant offense is classified as a Class A, B, or C felony and the person has two (2) or more prior convictions for the manufacture, delivery, or sale of a controlled substance classified as a Class A, B, or C felony, pursuant to § 39-17-417, prior to or at the time of committing the instant offense;

(xiv) Possessing or using a firearm or antique firearm during commission of or attempt to commit a dangerous felony, as defined in § 39-17-1324; and

(xv) Driving under the influence with six (6) prior convictions, as defined in § 55-10-401; and

(D) The following offenses, each of which results in the offender receiving one-quarter (1/4) strike:

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

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

(iii) Unlawful possession of a handgun by a person convicted of a felony, as defined in § 39-17-1307(c); and

(iv) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun, as defined in § 39-17-1320.

(b) The court shall sentence a defendant who has been convicted of a violent offense that occurred on or after July 1, 2023, and that, in combination with prior convictions for violent offenses, results in the defendant having three (3) or more strikes to imprisonment for life without possibility of parole if the court finds beyond a reasonable doubt that the defendant is a repeat violent offender.

(c) The finding that a defendant is or is not a repeat violent offender is appealable by either party.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sentencing for offenses occurring on or after that date, regardless of whether the offender's prior convictions for violent offenses occurred prior to, on, or after that date.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1193**

**House Bill No. 1030\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-120, is amended by adding the following new subsection:

(i)

(1) This section does not prohibit a court from sentencing a defendant as a repeat violent offender, pursuant to § 40-35-124, if the sentencing would result in a longer period of incarceration.

(2) In determining the appropriate sentence for a defendant, the sentencing court shall determine whether the defendant is required to be sentenced as a repeat violent offender under this section or § 40-35-124. If the defendant is required to be sentenced as a repeat violent offender under only one (1) such statute, then the court shall sentence the defendant pursuant to the statute that requires sentencing as a repeat violent offender.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new section:

**40-35-124.**

(a) As used in this section:

(1) "Prior conviction":

(A) Means the defendant was convicted of a violent offense that occurred on or after July 1, 2023, but before the violent offense for which the defendant is to be sentenced; provided, however, that a defendant



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who was convicted of multiple violent offenses based on conduct that occurred contemporaneously, occurred at the same location, and represented a single continuous criminal episode with a single criminal intent shall only be considered to have a prior conviction for the offense that would result in the highest point allocation pursuant to this section;

(B) Does not include a finding or adjudication that the defendant committed an act as a juvenile that is designated as a violent offense if committed by an adult, unless the defendant was tried as an adult in criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions, and was convicted of the violent offense in a criminal court and sentenced as an adult; and

(C) Includes convictions under the laws of any other state, government, or country that, if committed in this state, would have constituted a violent offense. If a felony from another jurisdiction is not a named violent offense and if the elements of the felony are the same as a violent offense, the offense shall be considered a prior conviction;

(2) "Repeat violent offender" means a defendant who is convicted of a violent offense, which occurred on or after July 1, 2023, and the combination of the strikes allocated pursuant to this section for the violent offense and the defendant's prior convictions equals three (3) or more strikes; provided, however, that at least two (2) of the strikes must be for offenses listed in subdivision (a)(3)(A); and

(3) "Violent offense" means any of the following offenses when committed on or after July 1, 2023:

(A) The following offenses, each of which results in the defendant receiving one (1) strike:

(i) Female genital mutilation, as defined in § 39-13-110;



(ii) Domestic assault, as defined in § 39-13-111, when the offense is a felony offense;

(iii) First degree murder, as defined in § 39-13-202, with a sentence of life imprisonment;

(iv) Second degree murder, as defined in § 39-13-210;

(v) Vehicular homicide, as defined in § 39-13-213(a)(2);

(vi) Aggravated vehicular homicide, as defined in § 39-13-218;

(vii) Especially aggravated kidnapping, as defined in § 39-13-305;

(viii) Aggravated kidnapping, as defined in § 39-13-304;

(ix) Trafficking for a commercial sex act, as defined in § 39-13-309;

(x) Advertising commercial sexual abuse of a minor, as defined in § 39-13-315;

(xi) Aggravated human trafficking, as defined in § 39-13-316;

(xii) Aggravated robbery, as defined in § 39-13-402;

(xiii) Especially aggravated robbery, as defined in § 39-13-403;

(xiv) Carjacking, as defined in § 39-13-404;

(xv) Aggravated rape, as defined in § 39-13-502;

(xvi) Rape, as defined in § 39-13-503;

(xvii) Aggravated sexual battery, as defined in § 39-13-504;

(xviii) Sexual battery, as defined in § 39-13-505;

(xix) Aggravated statutory rape, as defined in § 39-13-506(c);

(xx) Indecent exposure, as defined in § 39-13-511, when the offense is a felony offense;

(xxi) Patronizing prostitution, as defined in § 39-13-514(b)(3);

(xxii) Promoting prostitution, as defined in § 39-13-515;

(xxiii) Public indecency, as defined in § 39-13-517(d)(3);

(xxiv) Continuous sexual abuse of a child, as defined in § 39-13-518;

(xxv) Rape of a child, as defined in § 39-13-522;

(xxvi) Sexual battery by an authority figure, as defined in § 39-13-527;

(xxvii) Solicitation of a minor, as defined in § 39-13-528, when the offense is a felony offense;

(xxviii) Soliciting sexual exploitation of a minor or exploitation of a minor by electronic means, as defined in § 39-13-529;

(xxix) Statutory rape by an authority figure, as defined in § 39-13-532;

(xxx) Promoting travel for prostitution, as defined in § 39-13-533;

(xxxi) Unlawful photographing in violation of privacy, as defined in § 39-13-605, when the victim is under thirteen (13) years of age;

(xxxii) Observation without consent, as defined in § 39-13-607(d)(2);

(xxxiii) Especially aggravated burglary, as defined in § 39-13-1004;

(xxxiv) Aggravated arson, as defined in § 39-14-302;

(xxxv) Incest, as defined in § 39-15-302;

(xxxvi) Child abuse or child neglect or endangerment, as defined in § 39-15-401;

(xxxvii) Aggravated child abuse or aggravated child endangerment or neglect, as defined in § 39-15-402;

(xxxviii) Using a minor to produce, import, prepare, distribute, process, or appear in obscene material, as defined in § 39-17-902(b);

(xxxix) Unlawful sale, distribution, or transportation with intent to sell or distribute a child-like sex doll, as defined in § 39-17-910(f);

(xl) Sexual exploitation of a minor, as defined in § 39-17-1003;

(xli) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004;

(xlii) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005;

(xlili) Facilitation, under § 39-11-403, to commit any of the offenses listed in this subdivision (a)(3)(A);

(xliv) Criminal attempt, under § 39-12-101, to commit any of the offenses listed in this subdivision (a)(3)(A);

(xlv) Solicitation, under § 39-12-102, to commit any of the offenses listed in this subdivision (a)(3)(A); and

(xlv) Conspiracy, under § 39-12-103, to commit any of the offenses listed in this subdivision (a)(3)(A);

(B) The following offenses, each of which results in the defendant receiving one-half (1/2) strike:

(i) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iii) or § 39-13-102(a)(1)(B)(iii), if the offense involved the use of a deadly weapon;

(ii) Aggravated assault, as defined in § 39-13-102(a)(1)(A)(iv);

(iii) Aggravated assault, as defined in § 39-13-102, if the offense resulted in serious bodily injury to or the death of another;

(iv) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(3), if the offense involved the use of a deadly weapon;

(v) Aggravated assault against a first responder or nurse, as defined in § 39-13-116(b)(1), (b)(2), or (b)(4);

(vi) Voluntary manslaughter, as defined in § 39-13-211;

(vii) Criminally negligent homicide, as defined in § 39-13-212;

(viii) Vehicular homicide, as defined in § 39-13-213(a)(1), (a)(3), or (a)(4);

(ix) Reckless homicide, as defined in § 39-13-215;

(x) Involuntary labor servitude, as defined in § 39-13-307;

(xi) Trafficking persons for forced labor or services, as defined in § 39-13-308;

(xii) Aggravated burglary, as defined in § 39-13-1003;

(xiii) The manufacture, delivery, or sale of a controlled substance, as defined in § 39-17-417, where the instant offense is classified as a Class A, B, or C felony and the person has two (2) or more prior convictions for the manufacture, delivery, or sale of a controlled substance classified as a Class A, B, or C felony, pursuant to § 39-17-417, prior to or at the time of committing the instant offense;

(xiv) Possessing or using a firearm or antique firearm during commission of or attempt to commit a dangerous felony, as defined in § 39-17-1324; and

(xv) Driving under the influence with six (6) prior convictions, as defined in § 55-10-401; and

(C) Any other felony offense, each of which results in the defendant receiving one-quarter (1/4) strike.

(b) The court shall sentence a defendant who has been convicted of a violent offense that occurred on or after July 1, 2023, and that, in combination with prior convictions for violent offenses, results in the defendant having three (3) or more strikes, at least two (2) of which are for offenses listed in subdivision (a)(3)(A), to imprisonment for life without possibility of parole if the court finds beyond a reasonable doubt that the defendant is a repeat violent offender.

(c) The finding that a defendant is or is not a repeat violent offender is appealable by either party.

(d)

(1) This section does not prohibit a court from sentencing a defendant as a repeat violent offender, pursuant to § 40-35-120, if the sentencing would result in a longer period of incarceration.

(2) In determining the appropriate sentence for a defendant, the sentencing court shall determine whether the defendant is required to be sentenced as a repeat violent offender under this section or § 40-35-120. If the defendant is required to be sentenced as a repeat violent offender under only one (1) such statute, then the court shall sentence the defendant pursuant to the statute that requires sentencing as a repeat violent offender.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sentencing for offenses occurring on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1500**

**House Bill No. 1002\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-30-114, is amended by adding the following as a new subsection:

(c)

(1) In cases where a defendant has been sentenced to death and is seeking collateral review of a conviction or sentence, the attorney general and reporter has exclusive control over the state's defense of the request for collateral review and has all of the authority and discretion that the district attorney general would have in non-capital cases as well as any additional authority provided by law. The attorney general and reporter is not bound by any stipulations, concessions, or other agreements made by the district attorney general related to a request for collateral review.

(2) The trial court lacks jurisdiction to enter a final order granting relief on a request for collateral review outlined in subdivision (c)(1) until the attorney general and reporter files a response to the request.

(3) It is the duty and function of the district attorney general, and the district attorney general's staff, to lend whatever assistance may be necessary to the attorney general and reporter in the trial and disposition of requests for collateral review outlined in subdivision (c)(1), including, but not limited to, providing the attorney general and reporter with the district attorney general's case file and any other case-related material.



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(4) As used in this subsection (c), "collateral review" means any proceeding under this chapter, including a petition requesting analysis of evidence, a proceeding under § 39-13-203(g), a proceeding under § 40-26-105, a proceeding involving a challenge to a capital inmate's competency to be executed, and any other judicial reexamination of a judgment or claim in a proceeding outside of the direct review process.

SECTION 2. Tennessee Code Annotated, Section 40-30-114, is amended by deleting subsection (a) and substituting:

(a) The district attorney general or the attorney general and reporter must be reimbursed for any expenses, including travel, incurred in connection with the preparation and trial of any proceeding under this part. This expense must be paid by the state and is not included in the expense allowance now received by the various district attorneys general or the attorney general and reporter.

SECTION 3. Tennessee Code Annotated, Section 40-30-108, is amended by deleting subsection (a) and substituting:

(a) The district attorney general shall represent the state except as provided in § 40-30-114(c). The state shall file an answer or other responsive pleading within thirty (30) days, unless extended for good cause. Good cause will not be met by a routine statement that the press of other business prevents a response within the thirty-day period. Failure by the state to timely respond does not entitle the petitioner to relief under the Post-Conviction Procedure Act.

SECTION 4. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subdivision (g)(1) and substituting:

(g)

(1) A defendant who has been sentenced to the death penalty prior to the effective date of this act and whose conviction is final on direct review may petition the trial court for a determination of whether the defendant is intellectually



disabled. The motion must set forth a colorable claim that the defendant is ineligible for the death penalty due to intellectual disability. A defendant filing a motion under this subsection shall serve the attorney general and reporter, who will represent the state. Either party may appeal the trial court's decision in accordance with Rule 3 of the Tennessee Rules of Appellate Procedure.

SECTION 5. Tennessee Code Annotated, Section 40-26-105, is amended by deleting subsection (a) and substituting:

(a) There is made available to convicted defendants in criminal cases a proceeding in the nature of a writ of error coram nobis, to be governed by the same rules and procedures applicable to the writ of error coram nobis in civil cases, except insofar as inconsistent herewith. Notice of the suing out of the writ shall be served on the district attorney general except in cases where a defendant has been sentenced to death, where notice shall be served on the attorney general and reporter. A judge does not have authority to order the writ to operate as a supersedeas. The court has authority to order the person having custody of the petitioner to produce the petitioner in court for the hearing of the proceeding.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it, and applies to all currently pending, reopened, and future requests for collateral review.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1398**

**House Bill No. 1242\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-408, is amended by adding the following as a new subsection:

( ) Xylazine and any salt, sulfate, isomer, homologue, analog, or other preparation of xylazine, and any salt, sulfate, isomer, compound, derivative, precursor, homologue, analog, or other preparation thereof that is substantially chemically equivalent or identical with xylazine.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 756\***

**House Bill No. 1248**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 45-2-1204(b), is amended by adding the following as a new subdivision:

(4) The Tennessee bureau of investigation's elder financial reporting system pursuant to Section 4.

SECTION 2. Tennessee Code Annotated, Section 45-2-1204(c), is amended by designating the current language as subdivision (c)(1) and adding the following subdivision (c)(2):

(2) Notwithstanding subdivision (c)(1), the financial service provider shall provide information to aid in the investigation of suspected elder financial exploitation pursuant to Section 3.

SECTION 3. Tennessee Code Annotated, Section 45-10-103, is amended by adding the following as a new subdivision:

( ) The furnishing by a financial institution of access to, or copies of, records that are relevant to suspected, actual, or attempted financial exploitation, as defined in § 45-2-1202, to the Tennessee bureau of investigation or an elder abuse investigator, as described in Section 5, if a report is made pursuant to § 45-2-1204. The records provided pursuant to this subdivision ( ) must be limited to records relating to the most recent transaction or transactions that may comprise financial exploitation not to exceed thirty (30) calendar days prior to the first suspected financial exploitation transaction or thirty (30) calendar days after the last suspected financial exploitation transaction.



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SECTION 4. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) By no later than October 1, 2023, the Tennessee bureau of investigation shall create an elder financial exploitation reporting system that accepts reports from financial institutions as described in § 45-2-1204(b).

(b) Upon receiving a report of suspected elder financial exploitation, the bureau shall coordinate with the district attorney general in the appropriate judicial district and, when appropriate, with other law enforcement agencies and adult protective services for additional investigation of the reported exploitation. The bureau may share appropriate information with the district attorney general, other law enforcement agencies, and adult protective services to aid in the investigation of the reported exploitation.

SECTION 5. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) There is created an elder abuse investigator position within the district attorney general's office of each judicial district. An elder abuse investigator shall be employed and compensated as provided for a criminal investigator pursuant to part 2 of this chapter.

(b) An elder abuse investigator may investigate:

(1) Suspected cases of physical abuse, neglect, or financial exploitation of individuals sixty-five (65) years of age or older or of otherwise vulnerable adults;

(2) Reports of financial exploitation made to the Tennessee bureau of investigation's elder financial exploitation reporting system; and

(3) Other crimes as requested by the district attorney general.

SECTION 6. Sections 1 through 3 of this act take effect October 1, 2023, the public welfare requiring it. Section 4 of this act takes effect upon becoming a law, the public welfare

requiring it. All remaining sections of this act take effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 213**

**House Bill No. 248\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following new subsection:

(f) A person convicted of a violation of this section involving strangulation or attempted strangulation shall be punished by a mandatory minimum sentence of thirty (30) days incarceration, which includes participation in programming that is evidence-based for domestic violence.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following new subsection:

(f) A violation of subdivision (a)(1)(A)(iv), in which the victim of the offense loses consciousness due to strangulation, may be prosecuted as attempted second degree murder, under § 39-13-210.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(A)(ii) and substituting instead:

(ii)

(a) Except as provided in subdivision (e)(1)(A)(ii)(b), subdivision

(a)(1)(A)(i), (iii), or (iv) is a Class C felony; and

(b) If the victim is pregnant at the time of the offense, subdivision

(a)(1)(A)(iv) is a Class B felony;

SECTION 4. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following new subsection:



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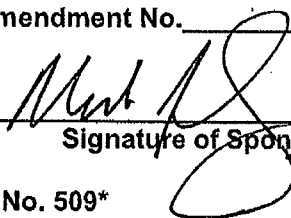


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(d) A defendant charged with a violation of § 39-13-102 or § 39-13-116 that involves strangulation of the victim shall not be released on the defendant's personal recognizance or upon execution of an unsecured bond. The magistrate must require the defendant to post bail to reasonably ensure the appearance of the person as required and the safety of the community, in addition to any other conditions of release imposed.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 509\***

**House Bill No. 720**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), the child shall immediately be informed of the rights listed in this subsection (c). The following rights must be posted where the child may read them, and such rights must be read to the child:

(1) The right to be informed of the reason the child was taken into custody;

(2) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(3) The right to legal counsel during all stages of any proceedings including any interview or interrogation, pursuant to § 37-1-126; and

(4) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation concerning any violation of state or federal law, which cannot be waived.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:



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(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

SECTION 3. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following as a new subsection:

(d)

(1) Except as provided in subdivision (d)(2), when a child has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), a person shall not interview or interrogate the child concerning any violation of state or federal law by the child unless in the presence of the child's legal counsel, parent, guardian, or custodian. A child cannot waive the requirements of this subdivision (d)(1).

(2) It is an exception to the requirement in subdivision (d)(1) that exigent circumstances existed at the time of the interview or interrogation that prevented the presence of the child's legal counsel, parent, guardian, or custodian.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. \_\_\_\_\_

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 509\***

**House Bill No. 720**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b):

(1) The child shall be immediately informed of the rights listed in this subdivision (c)(1). The following rights must be posted where the child may read them, and the rights must be read to the child:

(A) The right to be informed of the reason the child was taken into custody;

(B) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(C) The right to legal counsel during all stages of any proceedings, including any interview or interrogation, pursuant to § 37-1-126; and

(D) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation concerning any violation of state or federal law, except when there is probable cause that the parent, guardian, or custodian is a co-conspirator; and



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(2) The arresting officer shall immediately notify the juvenile's parent, guardian, or custodian of such custody. The arresting officer shall also notify the parent, guardian, or custodian of the rights of the juvenile as listed in subdivision (c)(1) and of the nature of the alleged delinquent act or unruly conduct.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 509\***

**House Bill No. 720**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-113, is amended by adding the following as a new subsection:

(c) When a child is taken into custody by law enforcement due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home pursuant to § 37-1-132(b):

(1) The child shall be immediately informed of the rights listed in this subdivision (c)(1). The following rights must be posted where the child may read them, and the rights must be read to the child:

(A) The right to be informed of the reason the child was taken into custody;

(B) The right to be released to a parent, guardian, or other custodian within a reasonable time or delivered to a detention facility, shelter facility, or medical facility, pursuant to § 37-1-115;

(C) The right to legal counsel during all stages of any proceedings, including any interview or interrogation by law enforcement, pursuant to § 37-1-126; and

(D) The right to have the child's legal counsel, parent, guardian, or custodian present during any interview or interrogation by law enforcement concerning any violation of state or federal law, except when



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there is probable cause that the parent, guardian, or custodian is a co-conspirator; and

(2) The arresting officer shall immediately notify the juvenile's parent, guardian, or custodian of such custody. The arresting officer shall also notify the parent, guardian, or custodian of the rights of the juvenile as listed in subdivision (c)(1) and of the nature of the alleged delinquent act or unruly conduct.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A child is entitled to representation by legal counsel at all stages of any delinquency proceedings or proceedings alleging unruly conduct that place the child in jeopardy of being removed from the home pursuant to § 37-1-132(b), including any interview or interrogation by law enforcement, and is entitled to a guardian ad litem for proceedings alleging a child to be dependent and neglected or abused.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. \_\_\_\_\_

*Elaine Davis*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 22\***

**House Bill No. 415**

by deleting all language after the enacting clause and substituting:

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

(a) This part is known and may be cited as the "Sexual Assault Response Team Act."

(b) As used in this part:

(1) "Adult" means a person who is eighteen (18) years of age or otherwise emancipated;

(2) "Response team" means a multidisciplinary team established to strengthen the collaborative response and enhance the safety and judicial outcome for the sexual assault survivor;

(3) "Sexual assault" means a criminal offense under title 39, chapter 13, part 5, involving unlawful sexual penetration or unwanted sexual contact;

(4) "Sexual contact" means the same as defined in § 39-13-501; and

(5) "Sexual penetration" means the same as defined in § 39-13-501.

(c) By January 1, 2024, each local law enforcement agency shall assemble an adult sexual assault response team to assist in responding to incidents of sexual assault with adult victims that occur within the agency's jurisdiction. A team shall include members with expertise in a variety of disciplines relevant to sexual assault response, which may include, but are not limited to:

(1) Victim advocacy;



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- (2) Law enforcement;
- (3) Criminal prosecution;
- (4) Healthcare services; and
- (5) Mental health services.

(d)

(1) Except by court order or as provided in subdivision (d)(2), communications between an adult sexual assault response team member and a sexual assault victim shall be confidential and shall not be subject to the open records law, compiled in title 10, chapter 7.

(2) This subsection (d) does not prevent the district attorney general and counsel for a defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subsection (d).

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

Amendment No. \_\_\_\_\_

*Elaine Davis*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 22\***

**House Bill No. 415**

by deleting all language after the enacting clause and substituting:

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

38-1-801.

This part is known and may be cited as the "Sexual Assault Response Team Act."

38-1-802.

As used in this part:

(1) "Adult" means a person who is eighteen (18) years of age or older or otherwise emancipated;

(2) "Sexual assault" means a criminal offense under title 39, chapter 13, part 5, involving unlawful sexual penetration or unwanted sexual contact;

(3) "Sexual assault response team (SART)" means a multidisciplinary team convened to strengthen and improve the collaborative response and enhance the community response, safety, and judicial outcome for the sexual assault survivor;

(4) "Sexual contact" means the same as defined in § 39-13-501; and

(5) "Sexual penetration" means the same as defined in § 39-13-501.

38-1-803.

(a) By January 1, 2024, each local law enforcement agency must convene regular meetings on behalf of an adult sexual assault response team (SART) to assist in



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identifying gaps in service and improving response systems for sexual assault with adult victims that occur within the agency's jurisdiction. A team must include members who respond to and work with victims and have expertise in a variety of disciplines relevant to sexual assault response. A SART may include, but is not limited to:

- (1) Victim advocates;
- (2) Law enforcement;
- (3) Criminal prosecutors;
- (4) Healthcare services providers;
- (5) Mental health services providers; and
- (6) Representatives from local colleges.

(b)

(1) Except by court order or as provided in subdivision (b)(2), communications occurring at a SART meeting are confidential and not subject to title 10, chapter 7.

(2) This subsection (b) does not prevent the district attorney general and counsel for a defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subsection (b).

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

Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1059**

**House Bill No. 841\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



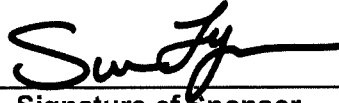
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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1059**

**House Bill No. 841\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell or distribute obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_



Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1061**

**House Bill No. 1090\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. Tennessee Code Annotated, Section 49-6-3803, is amended by adding the following as a new subsection:

(f)

(1)

(A) Notwithstanding this section or another law to the contrary, materials with content that in whole or in part meet the criteria established in the definitions of "obscene" or "harmful to minors" in title 39, chapter



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17, part 9, are unsuitable for children and must not be kept in a school's library collection.

(B) The materials contained in a school's library collection must be suitable for minors.

(2) If the appropriateness of a material in a school's library collection is challenged by a student, a student's parent or guardian, or school employee, then the material must be removed from student access until a final determination is made by the local board of education or public charter school governing body.

(3) A local board of education or public charter school governing body shall vote and make a final determination on the appropriateness of the challenged book or other material within ninety (90) days of the filing of the challenge by a student, parent, guardian, or school employee.

(4) If the local board of education or public charter school governing body fails to vote within ninety (90) days pursuant to subdivision (f)(3), then the material is deemed inappropriate and must be removed from the school's library collection.

(5) A decision by a local board of education or public charter school governing body pursuant to this subsection (f) does not establish a contemporary community standard for determining whether material is obscene or harmful to minors, as those terms are defined in title 39, chapter 17, part 9.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 1205**

**House Bill No. 686\***

by deleting all language after the enacting clause and substituting:

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

(a) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim services provider who provides services for victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of relevant training, including, but not limited to, training on the application of this section, 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; victim of an offense under title 39, chapter 13, part 5; 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" is an entity or organization providing direct services to victims, but does not include a law enforcement agency, the department of children's services, the department of human services, the division of adult protective services, or the office of a district attorney general.



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(b) An advocate shall not disclose any of the following in a judicial, legislative, or administrative proceeding, except as provided in this section or when a report of abuse is otherwise required by law:

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

(c) This section does not limit the ability of a court to compel disclosure if, upon the motion of a party, the court determines after an in-camera review that:

- (1) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act that is the subject of a criminal proceeding or a proceeding brought by the department of children's services under title 37;
- (2) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the victim-advocate relationship, and the treatment services; and
- (3) The information cannot be obtained by reasonable means from any other source.

(d) The victim may waive the privilege of the communication in subsection (b) 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.

(e) If the victim files a lawsuit against an advocate or a victim services provider, this section does not limit the ability of the advocate or victim services provider to raise a defense when the confidential communications are relevant to a claim or defense.

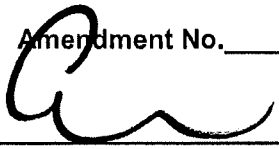
(f) This section does not apply to advocates with child advocacy centers and child protective investigator teams.

(g) This section does not limit access to records by the department of children's services when the department is investigating an allegation of child abuse or neglect.

(h) This section does not limit or expand the ability of law enforcement to make arrangements with a shelter in order to serve any legal papers or process regarding a person staying at a shelter, pursuant to § 71-6-208.

SECTION 2. This act takes effect on July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_  
  
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Signature of Sponsor

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**AMEND Senate Bill No. 331**

**House Bill No. 253\***

by deleting all language after the caption and substituting:

WHEREAS, a parent has a fundamental right to be involved in the lives of the parent's children; and

WHEREAS, a child should know the identity of the child's parents for many reasons, including, but not limited to, allowing the child to learn about the family's medical history and benefiting from inheritance laws; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) A person commits parentage fraud who:

(1) Seeks to legally establish another individual as the biological parent of a child in the person's custody with intent to deprive the individual of property or to prevent the child's actual biological parent from exercising parental rights to the child and the person knows or reasonably should know that the individual is not the child's biological parent; or

(2) Seeks to be legally established as a child's parent based on the person's status as a biological parent of the child and the person knows or reasonably should know that the person is not the child's biological parent.

(b) Parentage fraud is a Class B misdemeanor.

(c) Subsection (a) does not apply when:



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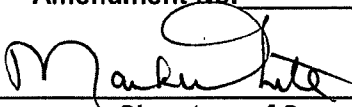
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(1) The child involved was conceived as a result of an act that would be aggravated rape, as defined in § 39-13-502; rape, as defined in § 39-13-503; rape of a child, as defined in § 39-13-522; especially aggravated rape, as defined in § 39-13-534; or especially aggravated rape of a child, as defined in § 39-13-535;

(2) The child involved has been or is in the process of being adopted; or

(3) The victim of the offense was the defendant's spouse at the time of the offense.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 393\***

**House Bill No. 1149**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(2)(B), is amended by deleting the subdivision and substituting instead:

(B) At the time of the filing of the petition for expunction at least:

(i) Three (3) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a misdemeanor or Class E felony;

(ii) Six (6) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a Class D felony; or

(iii) Ten (10) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a Class C felony; and

SECTION 2. Tennessee Code Annotated, Section 40-32-101(k)(1)(C), is amended by deleting the subdivision and substituting:

(C) At the time of the filing of the petition for expunction at least:

(i) Three (3) years have elapsed since the completion of the sentence imposed for the most recent offense, if the offenses were both misdemeanors or a Class E felony and a misdemeanor;



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(ii) Six (6) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class D felony; or

(iii) Ten (10) years have elapsed since the completion of the sentence imposed for the most recent offense, if one (1) of the offenses was a Class C felony; and

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
*Kelly K. King*  
Signature of Sponsor

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**AMEND Senate Bill No. 908**

**House Bill No. 994\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-11-621, is amended by deleting the language "or threaten to use" and adding the following language at the end of the section:

A threat to use deadly force, in itself, is not considered use of deadly force for purposes of this section. A private citizen shall not threaten to use deadly force unless the arrest is for a violent crime committed or threatened against the citizen making the arrest or a violent crime committed or threatened in the presence of the citizen making the arrest.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

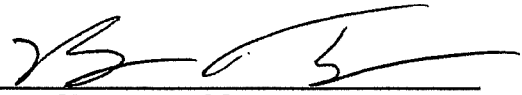


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 859**

**House Bill No. 982\***

by deleting all language after the enacting clause and substituting:

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

Notwithstanding another law to the contrary, a person's statement regarding the person's use or possession of marijuana to a pharmacist, physician, nurse, or nurse practitioner licensed under title 63 that was made in the course or scope of the person's medical care, as defined in § 56-7-2902(19)(A), for the purpose of obtaining medical advice on possible adverse effects of marijuana use in combination with other medications or medical treatment is not admissible as evidence in any criminal trial, hearing, or proceeding in which the person is a defendant; provided, that the person may expressly waive this prohibition and request the statement be admitted as evidence.

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



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Amendment No. \_\_\_\_\_



Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 859**

**House Bill No. 982\***

by deleting all language after the enacting clause and substituting:

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

Notwithstanding another law to the contrary, a person's statement regarding the person's use or possession of marijuana to a pharmacist, physician, physician assistant, nurse, or nurse practitioner licensed under title 63 that was made in the course or scope of the person's medical care, as defined in § 56-7-2902(19)(A), for the purpose of obtaining medical advice on possible adverse effects of marijuana use in combination with other medications or medical treatment is not admissible as evidence in any criminal trial, hearing, or proceeding in which the person is a defendant; provided, that the person may expressly waive this prohibition and request the statement be admitted as evidence.

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



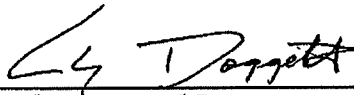
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Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 813\***

**House Bill No. 1431**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-7-226(a), is amended by deleting the section and substituting instead:

All assistant district attorneys general hired after July 1, 1994, or reclassified under § 8-7-201(e)(3), shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

|                         |           |
|-------------------------|-----------|
| Entry level             | \$63,853  |
| after one (1) year      | \$67,868  |
| after two (2) years     | \$71,857  |
| after three (3) years   | \$75,928  |
| after four (4) years    | \$79,943  |
| after five (5) years    | \$83,918  |
| after six (6) years     | \$87,934  |
| after seven (7) years   | \$91,977  |
| after eight (8) years   | \$96,034  |
| after nine (9) years    | \$100,009 |
| after ten (10) years    | \$104,038 |
| after eleven (11) years | \$108,054 |
| after twelve (12) years | \$112,001 |



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|                               |           |
|-------------------------------|-----------|
| after thirteen (13) years     | \$116,017 |
| after fourteen (14) years     | \$120,032 |
| after fifteen (15) years      | \$124,021 |
| after sixteen (16) years      | \$128,050 |
| after seventeen (17) years    | \$131,680 |
| after eighteen (18) years     | \$135,226 |
| after nineteen (19) years     | \$138,607 |
| after twenty (20) years       | \$141,823 |
| after twenty-one (21) years   | \$146,501 |
| after twenty-two (22) years   | \$151,331 |
| after twenty-three (23) years | \$156,299 |
| after twenty-four (24) years  | \$161,833 |
| after twenty-five (25) years  | \$167,325 |

SECTION 2. Tennessee Code Annotated, Section 8-7-230, is amended by deleting the section and substituting instead:

All criminal investigators hired after July 1, 1994, shall be compensated according to the following pay schedule, as adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

|                           |          |
|---------------------------|----------|
| Entry level               | \$43,180 |
| after two (2) years       | \$46,471 |
| after four (4) years      | \$48,944 |
| after six (6) years       | \$52,444 |
| after eight (8) years     | \$55,982 |
| after ten (10) years      | \$59,276 |
| after twelve (12) years   | \$62,963 |
| after fourteen (14) years | \$66,196 |

|                           |          |
|---------------------------|----------|
| after sixteen (16) years  | \$69,822 |
| after eighteen (18) years | \$73,226 |
| after twenty (20) years   | \$76,735 |

SECTION 3. Tennessee Code Annotated, Section 8-14-107(b)(1), is amended by deleting the subdivision and substituting instead:

A full-time assistant district public defender shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

|                           |           |
|---------------------------|-----------|
| Entry level               | \$63,853  |
| after one (1) year        | \$67,868  |
| after two (2) years       | \$71,857  |
| after three (3) years     | \$75,928  |
| after four (4) years      | \$79,943  |
| after five (5) years      | \$83,918  |
| after six (6) years       | \$87,934  |
| after seven (7) years     | \$91,977  |
| after eight (8) years     | \$96,034  |
| after nine (9) years      | \$100,009 |
| after ten (10) years      | \$104,038 |
| after eleven (11) years   | \$108,054 |
| after twelve (12) years   | \$112,001 |
| after thirteen (13) years | \$116,017 |
| after fourteen (14) years | \$120,032 |
| after fifteen (15) years  | \$124,021 |
| after sixteen (16) years  | \$128,050 |

|                               |           |
|-------------------------------|-----------|
| after seventeen (17) years    | \$131,680 |
| after eighteen (18) years     | \$135,226 |
| after nineteen (19) years     | \$138,607 |
| after twenty (20) years       | \$141,823 |
| after twenty-one (21) years   | \$146,501 |
| after twenty-two (22) years   | \$151,331 |
| after twenty-three (23) years | \$156,299 |
| after twenty-four (24) years  | \$161,833 |
| after twenty-five (25) years  | \$167,325 |

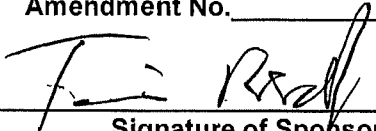
SECTION 4. Tennessee Code Annotated, Section 8-14-107(c)(1), is amended by deleting the subdivision and substituting instead:

Effective July 1, 2023, all full-time district investigators shall be compensated according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

|                           |          |
|---------------------------|----------|
| Entry level               | \$43,180 |
| after two (2) years       | \$46,471 |
| after four (4) years      | \$48,944 |
| after six (6) years       | \$52,444 |
| after eight (8) years     | \$55,982 |
| after ten (10) years      | \$59,276 |
| after twelve (12) years   | \$62,963 |
| after fourteen (14) years | \$66,196 |
| after sixteen (16) years  | \$69,822 |
| after eighteen (18) years | \$73,226 |
| after twenty (20) years   | \$76,735 |

SECTION 5. This act takes effect June 30, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1068**

**House Bill No. 1000\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

(l)

(1) Notwithstanding subsections (g) and (k), effective July 1, 2023, for purposes of this subsection (l), an "eligible petitioner" means a person who was convicted of a violation of § 2-19-107 – illegal registration or voting, if:

(A) At the time of the filing of the petition for expunction, at least fifteen (15) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged;

(B) The person has fulfilled all requirements of the sentence imposed by the court for the offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for the offense;

(ii) Completion of any term of imprisonment or probation for the offense; and

(iii) Meeting all conditions of supervised or unsupervised release for the offense;

(C) The person has not been convicted of a criminal offense that is ineligible for expunction, including federal offenses and offenses in



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other states, that occurred prior to the offense for which the person is seeking expunction; provided, that a moving or nonmoving traffic offense is not considered an offense as used in this subdivision (l)(1)(C); and

(D) The person has not previously been granted expunction under subsection (g) or subsection (k) for another criminal offense.

(2) A person may petition for expunction of an offense under this subsection (l) only one (1) time.

(3) Subdivisions (g)(3)-(6), (8), (12), and (13) apply to a petition filed under this subsection (l).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1501**

**House Bill No. 1016\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting the section and substituting:

(a) For purposes of this section:

(1) "School" means:

(A) An elementary school, middle school, or high school;

(B) A college of applied technology or postsecondary vocational or technical school; or

(C) A two-year or four-year college or university; and

(2) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person commits the offense of communicating a threat concerning a school employee or student if:

(1) The person communicates to another a threat to cause the death of or serious bodily injury:

(A) To a school employee and the threat is directly related to the employee's scope of employment; or

(B) To a student on school property or at a school-related activity;

(2) The threat involves the use of a firearm or other deadly weapon;



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(3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and

(4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:

(A) Are corroborative of the person's intent to commit the threatened act; and

(B) Occur close enough in time to evidence an intent and ability to commit the threatened act.

(c) Communicating a death threat concerning a school employee or student is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Mary Little  
Signature of Sponsor

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**AMEND Senate Bill No. 1211**

**House Bill No. 555\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 29-13-103, is amended by deleting subdivision (a)(4) and substituting:

(4) The claimant has fully cooperated with the police and the district attorney general in the investigation and prosecution of the offender, except in cases involving a victim of human trafficking where it is determined that the victim's cooperation may be impacted due to the victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being;

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (c) and substituting:

(c) Compensation must not be awarded for any personal injury or loss alleged to have been incurred as a result of pain and suffering, except for victims of the crime of rape, victims of a human trafficking offense, and victims of a crime involving sexual deviancy, including minors who are victims of the crimes contained in § 39-13-314, § 39-13-316, §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, and §§ 39-17-1003 – 39-17-1005, or any attempt, conspiracy, or solicitation to commit such offenses.

SECTION 3. Tennessee Code Annotated, Section 29-13-108, is amended by deleting subsection (a) and substituting:



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(a) A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based, two (2) years after the death of the victim, or two (2) years after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-13-502 – 39-13-505, § 39-13-522, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, or an attempt, conspiracy, or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. A claim cannot be filed until the crime upon which the claim is based has been reported by the victim, or a member of the victim's family, to the proper authorities, and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Good cause for the failure of a victim or a member of the victim's family to report a crime may be found if the victim is:

- (1) Physically unable;
- (2) A victim of sexual assault;
- (3) A victim of domestic abuse; or
- (4) A victim of human trafficking.

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

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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~~AMEND~~ Senate Bill No. 1219

House Bill No. 1400\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-503(b), is amended by deleting the subsection and substituting:

(b)

(1) Except as provided in subdivision (b)(2), rape is a Class B felony.

(2) If the victim of the offense is at least thirteen (13) years of age but less than eighteen (18) years of age, rape is a Class B felony and, notwithstanding title 40, chapter 35, the defendant shall be punished as a Range II offender; however, the sentence imposed upon the defendant may, if appropriate, be within Range III but in no case shall it be lower than Range II.

SECTION 2. Tennessee Code Annotated, Section 39-15-302(b), is amended by deleting the subsection and substituting:

(b)

(1) Except as provided in subdivision (b)(2), incest is a Class C felony.

(2) If the victim of the offense is a minor, incest is a Class B felony and, notwithstanding title 40, chapter 35, the defendant shall be punished as a Range II offender; however, the sentence imposed upon the defendant may, if appropriate, be within Range III but in no case shall it be lower than Range II.

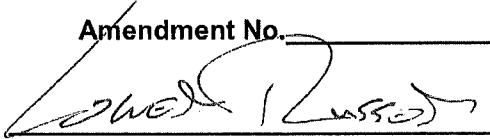
SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_  
  
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**AMEND Senate Bill No. 982**

**House Bill No. 113\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-29-203(a), is amended by deleting the subsection and substituting:

(a) A person eligible to apply for a voter registration card and have the right of suffrage restored, pursuant to § 40-29-202, may request, and then shall be issued, a certificate of voting rights restoration upon a form prescribed by the division of elections of the secretary of state, by the criminal court clerk for the county in which the infamous crime occurred. The criminal court clerk shall provide to the applicant information to determine a basis for restoration described in § 40-29-202(a)(1)-(3), and the applicant must provide the clerk with all other information demonstrating that the applicant is eligible to have the right of suffrage restored.

SECTION 2. Tennessee Code Annotated, Section 40-29-203(b), is amended by deleting the language "The issuing authority shall supply the person being released with" and substituting "The criminal court clerk shall, upon request, provide".

SECTION 3. Tennessee Code Annotated, Section 40-29-203, is amended by adding the following new subsection:

(e) If the criminal court clerk determines that the person is not eligible for a certificate of voting rights restoration, then, within thirty (30) days of the request for a certificate of voting rights restoration, the clerk shall inform the person, in writing, of the reason for the person's ineligibility. The person may appeal the clerk's determination to the circuit court of the county in which the infamous crime occurred, which may reverse



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the determination of the clerk and require issuance of the certification of restoration of voting rights, if the court finds the determination was made in error.

SECTION 4. Tennessee Code Annotated, Section 40-29-205, is amended by deleting the language "the board of parole and any other authority that may discharge a person to whom this part applies" and substituting "the board of parole, any other authority that may discharge a person to whom this part applies, and the criminal court clerks for each judicial district".

SECTION 5. Tennessee Code Annotated, Section 40-29-202, is amended by deleting subdivision (b)(2) and substituting:

(2) 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 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. As used in this subdivision (b)(2), "court costs" means the actual amount of court costs imposed at the time of conviction, but does not include any:

(A) Costs and commissions of collection;

(B) Interest accrued on the amount of court costs imposed at the time of conviction; or

(C) Penalties incurred for unpaid court costs.

SECTION 6. Tennessee Code Annotated, Section 40-29-202(c), is amended by deleting the subsection and substituting:

(c) 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 is current in all child support obligations or has entered into a payment plan with the department of human services to pay any arrears owed and is current in the payment plan.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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**AMEND Senate Bill No. 14\***

**House Bill No. 24**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-6-113, is amended by adding the following as a new subsection:

(e)

(1) Until January 1, 2025, the bureau must provide quarterly updates on the bureau's efforts to hire and train employees within the forensic services division and the average amount of time taken to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, to the judiciary committee of the senate and the criminal justice committee of the house of representatives.

(2) By January 1, 2025, the bureau must submit a report to the judiciary and finance, ways and means committees of the senate and the criminal justice and finance, ways, and means committees of the house of representatives detailing any additional resources and personnel that would be required in order to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, within sixty (60) days of the bureau's receipt of the evidence from a law enforcement agency.

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

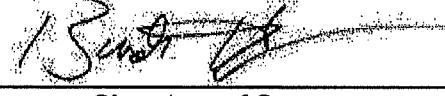


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Amendment No. \_\_\_\_\_



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**AMEND Senate Bill No. 807**

**House Bill No. 832\***

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

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (31)(N) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-39-207, is amended by adding the following as a new subsection:

(k)

(1) An offender who is required to register pursuant to this part because the offender was convicted of the offense of criminal exposure of another to human immunodeficiency virus (HIV) under § 39-13-109(a)(1) and the offense was committed prior to July 1, 2023, may file a request for termination of registration requirements with TBI headquarters in Nashville, if the offender would not be required to register if the offense was committed on or after July 1, 2023.

(2) Upon receipt of the request for termination, the TBI shall review documentation provided by the offender and contained in the offender's file and the SOR to determine whether the offender would not be required to register if the offender committed the same offense on or after July 1, 2023. In addition, the TBI shall conduct fingerprint-based state and federal criminal history checks to determine whether the offender has been convicted of any additional sexual offense or violent sexual offense.



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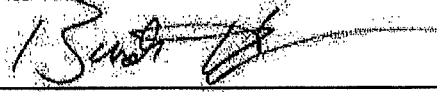
(3) If the TBI determines that the offender would not be required to register if the offense was committed on or after July 1, 2023, that the offender has not been convicted of any additional sexual offense or violent sexual offense, and that the offender has substantially complied with this part and any previous versions of this part, then the TBI shall remove the offender's name from the SOR and notify the offender that the offender is no longer required to comply with this part.

(4) If the TBI determines that the offender would be required to register even if the offense had been committed on or after July 1, 2023, or that the offender has been convicted of any additional sexual offense or violent sexual offense during the period of registration, then the TBI shall not remove the offender's name from the SOR and shall notify the offender that the offender continues to be required to comply with this part.

(5) An offender whose request for termination of registration requirements is denied by a TBI official may petition the chancery court of Davidson County or the chancery court of the county where the offender resides, if the offender resides in this state, for review of the decision. The review must be on the record used by the TBI official to deny the request. The TBI official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons the request was denied.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_



Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 807**

**House Bill No. 832\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (31)(N) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-39-207(a), is amended by adding the following as a new subdivision:

(5) Notwithstanding subdivision (a)(1), an offender who is required to register pursuant to this part because the offender was convicted of the offense of criminal exposure of another to human immunodeficiency virus (HIV) under § 39-13-109(a)(1) and the offense was committed prior to July 1, 2023, may file a request for termination of registration requirements with TBI headquarters in Nashville.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.



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**AMEND Senate Bill No. 933**

**House Bill No. 908\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-10-502, is amended by deleting subsection (c) and substituting:

(1) A motor vehicle used in the commission of a violation of subsection (a) is subject to seizure and forfeiture as provided in title 40, chapter 33, part 2, if:

(A) The perpetrator of the offense is the sole owner of the motor vehicle;

and

(B) The motor vehicle is not subject to the interest of a secured party.

(2) The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this section.

(3) Only POST-certified or state-commissioned law enforcement officers are authorized to seize vehicles pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by inserting the language "§ 55-10-502," after the language "§ 53-11-451,".

SECTION 3. Tennessee Code Annotated, Section 40-33-210(a), is amended by inserting the language "55-10-502," after the language "55-10-414,".

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following as a new subsection:

( ) Notwithstanding this section or another law to the contrary, a motor vehicle forfeited under the authority of § 55-10-502 must be destroyed and is not subject to sale or use by a state, county, or municipal agency.



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SECTION 5. Tennessee Code Annotated, Section 40-33-214, is amended by inserting the language "§ 55-10-502," after the language "§ 55-10-414,".

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. \_\_\_\_\_

  
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**AMEND Senate Bill No. 932**

**House Bill No. 830\***

by deleting all language after the enacting clause and substituting:

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

(d) Notwithstanding subsection (a), a person charged with a Class A or Class B felony shall not be released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following as a new subsection:

(c) A person charged with a Class A or Class B felony shall not be released pursuant to subdivision (b)(1) without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subsection (a) and substituting:

(a) If a defendant has been released pursuant to § 40-11-115 or § 40-11-116, or has been admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one (1) or more bailable offenses while released, then the defendant shall only be released pursuant to § 40-11-118 or § 40-11-122, and the magistrate or judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.



SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Signature of Sponsor

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**AMEND Senate Bill No. 1480**

**House Bill No. 689\***

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

SECTION 3. Tennessee Code Annotated, Section 40-11-152(b), is amended by redesignating subsection (b) as subdivision (b)(1) and adding the following new subdivision:

(2) The magistrate shall order any defendant who is arrested for an offense that involves the use or display of a deadly weapon, as defined in § 39-11-106(a), to do the following as a condition of bail:

(A) Carry or wear a global positioning monitoring system device and, except as provided by subsection (h), pay the costs associated with operating that system in relation to the defendant; or

(B) Except as provided by subsection (h), pay the costs associated with providing the victim of the offense, if the victim consents after receiving the information described in subsection (d), with an electronic receptor device that:

(i) Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and

(ii) Notifies the victim if the defendant is at or near a location that the defendant has been ordered to vacate or stay away from under § 40-11-150.

SECTION 4. Tennessee Code Annotated, Section 40-11-152(f), is amended by deleting the language "under this section" and substituting "under subdivision (b)(1)".



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SECTION 5. Tennessee Code Annotated, Section 40-11-152(d), is amended by deleting the language "subdivision (b)(2)" and substituting "subdivision (b)(1)(B)".

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**AMEND Senate Bill No. 1480**

**House Bill No. 689\***

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

SECTION 3. Tennessee Code Annotated, Section 40-11-152(b), is amended by redesignating subsection (b) as subdivision (b)(1) and adding the following new subdivision:

(2) The magistrate shall order any defendant who is arrested for carjacking, as defined in § 39-13-404; burglary, as defined in § 39-13-1002, involving entering a motor vehicle; or theft, as defined in § 39-14-103, of a motor vehicle to do the following as a condition of bail:

(A) Carry or wear a global positioning monitoring system device and, except as provided by subsection (h), pay the costs associated with operating that system in relation to the defendant; or

(B) Except as provided by subsection (h), pay the costs associated with providing the victim of the offense, if the victim consents after receiving the information described in subsection (d), with an electronic receptor device that:

- (i) Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and
- (ii) Notifies the victim if the defendant is at or near a location that the defendant has been ordered to vacate or stay away from under § 40-11-150.

SECTION 4. Tennessee Code Annotated, Section 40-11-152(f), is amended by deleting the language "under this section" and substituting "under subdivision (b)(1)".



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**SECTION 5. Tennessee Code Annotated, Section 40-11-152(d), is amended by deleting the language "subdivision (b)(2)" and substituting "subdivision (b)(1)(B)".**



Amendment No. \_\_\_\_\_

Signature of Sponsor

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**AMEND Senate Bill No. 1480**

**House Bill No. 689\***

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

SECTION 3. Tennessee Code Annotated, Section 40-11-152(b), is amended by redesignating subsection (b) as subdivision (b)(1) and adding the following new subdivision:

(2) The magistrate must order any defendant who is arrested for the offense of reckless endangerment that is community terrorism under § 39-13-103(b)(5), to do the following as a condition of bail:

(A) Carry or wear a global positioning monitoring system device and, except as provided by subsection (h), pay the costs associated with operating that system in relation to the defendant; or

(B) If the alleged victim of the offense consents after receiving the information described by subsection (d) and, except as provided by subsection (h), pay the costs associated with providing the victim with an electronic receptor device that:

(i) Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and

(ii) Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under § 40-11-150.

SECTION 4. Tennessee Code Annotated, Section 40-11-152(f), is amended by deleting the language "under this section" and substituting "under subdivision (b)(1)".



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**SECTION 5. Tennessee Code Annotated, Section 40-11-152(d), is amended by deleting the language "subdivision (b)(2)" and substituting "subdivision (b)(1)(B)".**

Amendment No. \_\_\_\_\_

  
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**AMEND Senate Bill No. 720**

**House Bill No. 458\***

by deleting SECTION 4 and substituting the following:

SECTION 4. Tennessee Code Annotated, Section 69-9-219(c), is amended by deleting the subsection and substituting the following:

(1)

(A) Except as otherwise provided in this subdivision (c)(1), a person who violates § 69-9-217(a) commits a Class A misdemeanor.

(B)

(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), shall, upon conviction for the first offense:

(a) Be sentenced to serve in the county jail or workhouse not less than forty-eight (48) consecutive hours nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500).

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(ii) A person violating § 69-9-217(a), upon conviction for the first offense with a blood alcohol concentration of twenty-hundredths of one percent (0.20%) or more, shall serve a minimum of seven (7) consecutive days rather than forty-eight (48) hours and be fined pursuant to subdivision (c)(1)(B)(i)(b).

(C)



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(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a) shall, upon conviction for a second offense:

(a) Be sentenced to serve in the county jail or workhouse not less than forty-five (45) consecutive days nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than six hundred dollars (\$600) nor more than three thousand five hundred dollars (\$3,500).

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(C)(i)(a), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least twenty-five (25) days of the period of incarceration imposed in the county jail or workhouse.

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(D)

(i) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a) shall, upon conviction for a third offense:

(a) Be sentenced to serve in the county jail or workhouse not less than one hundred twenty (120) consecutive days nor more than eleven (11) months and twenty-nine (29) days; and

(b) Be fined not less than one thousand one hundred dollars (\$1,100) nor more than ten thousand dollars (\$10,000).

(ii) After sentencing the person to a period of confinement pursuant to subdivision (c)(1)(D)(i)(a), as a condition of probation, the judge may order the person to participate in a substance abuse treatment program, which includes any aftercare recommended by the treatment program, licensed or certified by the department of mental health and substance abuse services, which includes a certified drug court or DUI court, if the person first:

(a) Completes a clinical substance abuse assessment conducted pursuant to § 55-10-402(h); and

(b) Serves at least sixty-five (65) days of the period of incarceration imposed in the county jail or workhouse.

(E) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), upon conviction for a fourth offense, shall:

(i) Be sentenced as a felon to serve not less than one hundred fifty (150) consecutive days nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(F) Except as provided in subdivision (c)(1)(H), a person violating § 69-9-217(a), ~~upon conviction for a fifth offense and for which prior convictions for vehicular assault~~ under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218 are to be included, shall:

(i) Be sentenced as a felon to serve not less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class D felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(G) Except as provided in subdivision (c)(1)(H), a sixth or subsequent conviction for violating § 69-9-217(a), including any other applicable prior conviction described in subdivision (c)(1)(F), is a Class C felony and any person sentenced under this subdivision (c)(1)(G) shall:

(i) Be sentenced to serve no less than the minimum sentence of imprisonment established in subdivision (c)(1)(E) for a fourth offender, and not more than the maximum punishment authorized for the appropriate range of a Class C felony; and

(ii) Be fined not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000).

(H)

(i) If a person is convicted of a violation of § 69-9-217(a), and at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, the person's sentence shall be enhanced by:

(a) A mandatory minimum period of incarceration of thirty (30) days, which incarceration enhancement shall be served in addition to any ~~period of incarceration received for the violation of § 69-9-217(a); and~~

(b) A fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(ii) Notwithstanding subdivisions (c)(1)(A)-(G), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child suffers serious bodily injury as the proximate result of the violation of § 69-9-217(a), the person commits a Class D felony and shall:

(a) Be punished as provided in § 39-13-106 for vehicular assault;  
and

(b) Have the person's sentence enhanced by a fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(iii) Notwithstanding subdivisions (c)(1)(A)-(G), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and the child is killed as the proximate result of the violation of § 69-9-217(a), the person commits a Class B felony and shall:

(a) Be punished as provided in § 39-13-213(b)(2) for vehicular homicide involving intoxication; and

(b) Have the person's sentence enhanced by a fine of one thousand dollars (\$1,000), which enhanced fine is in addition to any other fine received for the violation of § 69-9-217(a).

(iv) Subdivisions (c)(1)(H)(i)-(iii) constitute an enhanced sentence, not a new offense.

(i) If a person is convicted of a violation of § 69-9-217(a), the sentencing court shall suspend the person's privilege to operate any vessel subject to registration or any commercial vessel, as defined in § 69-9-217(b), for a period of twelve (12) months.

(2) The court, in its discretion, may require a person convicted of a violation of § 69-9-217(a) to remove litter from public areas, playgrounds, picnic ramps, and areas giving the public access to the public waters of the state or to work in a recycling center or other appropriate location for any prescribed period of time in addition to any of the penalties otherwise provided in this section. A person sentenced to remove litter under this subdivision (c)(2) is allowed to do so at a time other than that person's regular hours of employment.

(3)

(A) The court may order any person convicted of a violation of § 69-9-217(a) to be subject to monitoring using one (1) or more of the following:

(i) Transdermal monitoring device or other alternative alcohol or drug monitoring device;

(ii) Electronic monitoring with random alcohol or drug testing;

(iii) Global positioning monitoring system, as defined in § 40-11-152. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a system for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a system that the person is unable to pay must come from the electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds; or

(iv) Any other monitoring device the court believes necessary to ensure the person complies with the conditions of probation and, if applicable, the results of the clinical substance abuse assessment.

(B) If the court orders a person to be subject to monitoring as provided in subdivision (c)(3)(A), the court, the department of correction, or any other agency, department, program, group, private entity, or association that is responsible for the supervision of such person shall:

(i) Require periodic reporting by the person for verification of the proper operation of the monitoring device;

(ii) Require the person to have the device monitored for proper use and accuracy by an entity approved by the supervising entity at least every thirty (30) days, or more frequently as the circumstances may require; and

(iii) Immediately notify the court of any of the person's violations of this subdivision (c)(3), which shall be considered a violation of the conditions of probation.

(4)



(A) An offender sentenced to a period of incarceration for a violation of § 69-9-217(a), is required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. The sheriff or chief administrative officer of a local jail or workhouse may use alternative facilities, as defined in § 55-10-402(f), for the incarceration of an offender convicted of a violation of § 69-9-217(a).

(B) This subdivision (c)(4) does not give an offender a right to serve a sentence for a violation of § 69-9-217(a) in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve the sentence within a certain period of time or in a certain facility or type of facility does not invalidate the sentence.

(5) Notwithstanding this section to the contrary, in counties with a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2020 federal census or any subsequent federal census, the judge exercising criminal jurisdiction may sentence a person convicted of violating § 69-9-217(a) for the first time to perform two hundred (200) hours of public service work in a supervised public service program in lieu of the minimum period of confinement required by subdivision (c)(1)(B).

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(6)

(A) For purposes of this section, a person whose convictions for violating § 69-9-217(a) occur more than ten (10) years apart is not considered a multiple offender and the penalties imposed upon multiple offenders by subdivisions (c)(1) and (2) do not apply to such person.

(B) For purposes of determining if a person convicted of § 69-9-217(a) is a repeat or multiple offender, a prior conviction for driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated

vehicular homicide under § 39-13-218, must be treated the same as a prior conviction for boating under the influence under § 69-9-217(a) if the person was convicted of the prior offense within ten (10) years of the date of the present violation.

(7) A person charged with a violation of § 69-9-217(a) is not eligible for suspension of prosecution and dismissal of charges pursuant to §§ 40-15-102 — 40-15-105 or any other pretrial diversion program, nor is a person convicted under § 69-9-217(a) eligible for suspension of sentence or probation pursuant to title 40, chapter 35, part 3, or any other law authorizing suspension of sentence or probation, until such time as the person has fully served day for day at least the minimum sentence provided by law.

(8) All persons sentenced under subdivision (c)(1) or (c)(2) are required to serve the difference between the time actually served and the maximum sentence on probation. The judge, in the judge's discretion, may impose any conditions of probation that are reasonably related to the offense but shall impose the following conditions:

(A) Participation in an alcohol safety boating under the influence (BUI) school program, if available;

(B) Upon the second or subsequent conviction for violating § 69-9-217(a), participation in a program of rehabilitation at an alcohol treatment facility, if available; and

~~(C) The payment of restitution to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution.~~

(9)

(A) Any person convicted under § 69-9-217(a) of an initial or subsequent offense shall be advised in writing of the penalty for second and subsequent convictions and, in addition, when pronouncing sentence, the judge shall advise the defendant of the penalties for additional offenses.

(B) In the prosecution of second or subsequent offenders, the indictment or charging instrument must allege each prior conviction for violation of § 69-9-217(a), driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, setting forth the time and place of each prior conviction.

(10) In addition to all other fines, fees, costs, and punishments, in any county having a county-operated blood alcohol concentration testing facility, a blood alcohol concentration (BAC) test fee in the amount of seventeen dollars and fifty cents (\$17.50) must be assessed upon conviction of an offense of operating a vessel subject to registration for each offender who has taken a breath-alcohol test on an evidential breath testing unit provided, maintained, and administered by a law enforcement agency in the counties or where breath, blood, or urine has been analyzed by a publicly funded forensic laboratory. This fee must be collected by the clerks of various courts of the counties and forwarded to the county trustee on a monthly basis, and designated for exclusive use by the law enforcement testing unit of the counties if the BAC test was conducted on an evidential breath-testing unit. If the blood alcohol test was conducted by a publicly funded forensic laboratory, the fee must be collected by the clerks of the various courts of the counties and forwarded to the county trustee on a monthly basis, and designated for exclusive use by the publicly funded forensic laboratory.

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(11) A person arrested under this subsection (c) is not subject to strip searches or body cavity searches, or both, unless the arresting officer has probable cause to believe the arrested person may be concealing a weapon or contraband, or both, in such person's body cavity. "Contraband" includes, but is not limited to, illegal drugs.

(12) In addition to all other fines, fees, costs, and punishments now prescribed by law, an ignition interlock fee of forty dollars (\$40.00) must be assessed for each violation of § 69-9-217(a) occurring on or after July 1, 2018, and resulting in a conviction for such offense. All

proceeds collected pursuant to this subdivision (c)(12) must be transmitted to the treasurer for deposit in the electronic monitoring indigency fund pursuant to § 55-10-419(g).

Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1317**

**House Bill No. 941\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the subdivision and substituting instead:

(c) Is not seeking deferral of further proceedings for:

(1) A sexual offense;

(2) Financial exploitation of an elderly or vulnerable person, as prohibited by § 39-15-502;

(3) Aggravated neglect of an elderly or vulnerable adult, as prohibited by § 39-15-508, or aggravated abuse of an elderly or vulnerable adult, as prohibited by § 39-15-511; provided, however, that a healthcare provider, as defined in § 63-1-168, who commits such an offense in the course of the provider's official duties and the offense was not committed intentionally, is not prohibited from being a qualified defendant;

(4) Sexual exploitation of an elderly or vulnerable adult, as prohibited by § 39-15-512;

(5) Driving under the influence of an intoxicant, as prohibited by § 55-10-401;

(6) Vehicular assault, as prohibited by § 39-13-106, prior to service of the minimum sentence required by § 39-13-106; or

(7) A Class A or B felony;



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SECTION 2. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(ii), is amended by deleting the language "As used in subdivision (a)(1)(B)(i)(c)" and substituting "As used in subdivision (a)(1)(B)(i)(c)(1)".

SECTION 3. Tennessee Code Annotated, Section 40-35-313(a)(3), is amended by deleting the second sentence of subdivision (a)(3)(A) and adding the following new subdivision:

(C)

(i) An order deferring further proceedings and placing the defendant on probation as authorized by this subsection (a) must not be entered by the court if the defendant was charged with the following crimes, unless the order contains a provision that the defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by § 68-11-1003, a copy of which must be forwarded to the department of health:

(a) A violation of a criminal statute the elements of which constitute abuse, neglect, or misappropriation of the property of a vulnerable person as defined in § 68-11-1002 on or after July 1, 2004, and prior to July 1, 2018;

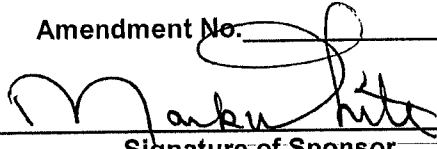
(b) A violation of § 39-15-507 on or after January 1, 2019, and prior to July 1, 2023; or

(c) A violation of § 39-15-510 on or after July 1, 2019, and prior to July 1, 2023.

(ii) Upon dismissal of the charges specified in subdivision (a)(1)(B)(i)(c)(3) against a healthcare provider following the completion of the term of judicial diversion and expunction of the healthcare provider's criminal records, the healthcare provider may send a copy of the dismissal and expunction order to the department of health. Notwithstanding § 68-11-1003(c), upon receiving the dismissal and expunction order signifying the successful

completion of the term of judicial diversion and the dismissal of charges pursuant to this section, the department of health must remove the healthcare provider's name and information regarding the criminal disposition from the registry.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 624**

**House Bill No. 430\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age who is deemed to be a serious youthful offender pursuant to § 37-1-131(g).

SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(g)

(1) Notwithstanding this section to the contrary, unless a child is tried as an adult in criminal court pursuant to § 37-1-134, the juvenile court shall classify a child sixteen (16) years of age or older as a serious youthful offender if the child is adjudicated delinquent for:

(A) An act that would be a Class A felony if committed by an adult;

(B) An act that would be a Class B felony if committed by an adult and the child has two (2) or more previous adjudications of delinquency for acts that would be Class A, B, or C felonies if committed by an adult;  
or



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(C) An act that would be a Class C felony if committed by an adult and the child has three (3) or more previous adjudications of delinquency for acts that would be Class A, B, or C felonies if committed by an adult.

(2) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender; provided, that notwithstanding § 37-1-137 or another law to the contrary, the court shall impose a determinate disposition that lasts until the serious youthful offender's nineteenth birthday. The time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate disposition imposed pursuant to this subsection (g).

(3) In addition to the determinate disposition set forth in this subsection (g), the court shall impose an additional disposition to be served after the serious youthful offender turns nineteen (19) years of age, which ends on or before the offender's twenty-fourth birthday. The additional disposition beyond the serious youthful offender's nineteenth birthday must extend for at least:

(A) Four (4) years if the child is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(B) Three (3) years if the child is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(C) One (1) year if the child is adjudicated delinquent for an act that would be a Class C felony if committed by an adult.

(4)

(A) The juvenile court has the authority to stay that portion of a serious youthful offender's disposition beyond the offender's nineteenth birthday, but the court is not required to do so. If the portion of the disposition beyond the serious youthful offender's nineteenth birthday is stayed, then within four (4) months of the offender's nineteenth birthday,

the juvenile court shall conduct a hearing to review the offender's circumstances and determine whether the stayed portion of the disposition should be invoked.

(B) In determining whether the stayed portion of the disposition should be invoked, the judge shall consider whether the offender has:

- (i) Committed another delinquent act;
- (ii) Engaged in other conduct that creates a substantial safety risk;
- (iii) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;
- (iv) Attended school regularly with passing grades or graduated from high school;
- (v) Obtained regular employment, if the offender has graduated from high school; and
- (vi) Become involved in activities that are beneficial to the community.

(C) If the portion of the disposition beyond a serious youthful offender's nineteenth birthday is not invoked, then the juvenile court shall enter an order terminating supervision as of the offender's nineteenth birthday.

(D) If the portion of the disposition beyond a serious youthful offender's nineteenth birthday is invoked, then the court shall enter an order committing the offender to the custody of the department of correction to serve the remainder of the disposition imposed by the juvenile court. The court may modify the length of the additional disposition; provided, that the modification meets the minimum additional disposition requirements set forth in subdivision (g)(3).

(E) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (g)(4). The recording must include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing.

SECTION 3: This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 889

House Bill No. 749\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-126, is amended by deleting subdivision (a)(3) and substituting:

(3) The court shall inquire into the indigency of the person. If the person is indigent, then the court shall provide counsel for the indigent person. If a person appears without counsel, then the court shall ascertain whether the person knows of the right to counsel and of the right to be provided with counsel by the court if the person is indigent. The court may continue the proceeding to enable a person to obtain counsel and shall provide counsel for an unrepresented indigent person upon request.

SECTION 2. Tennessee Code Annotated, Section 37-1-126, is amended by deleting subsection (b) and substituting:

(b)

(1) A person is indigent if that person does not possess sufficient means to pay reasonable compensation for the services of a competent attorney or guardian ad litem.

(2) In determining indigency, the court shall consider the financial resources of the child and the child's parent, legal custodian, or guardian using the uniform affidavit of indigency outlined in Tennessee Supreme Court Rule 29.

(3) The court shall consider indigent any child or the child's parent, legal custodian, or guardian who are presently:

(A) Experiencing homelessness; or



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(B) Receiving safety net benefits, including TennCare/Medicaid; Families First; Section 8; Women, Infants, and Children (WIC); Supplemental Nutrition Assistance Program (SNAP); Earned Income Tax Credit (EITC); Free and Reduced-Price Meals; or Unemployment.

(4) In the case of a child, if the child, the child's parent, legal custodian, or guardian is financially able to defray a portion or all of the cost of the child's representation but refuses to do so timely, then the court may make written findings determining this as indigency.

SECTION 3. Tennessee Code Annotated, Section 37-1-126, is amended by deleting subsection (c) and substituting:

(c)

(1) If a child or the child's parent, legal guardian, or custodian is found indigent for the purpose of appointing counsel, then the court shall not charge the administrative fee or any other fees, fines, or costs, including, but not limited to:

(A) Procedural court costs;

(B) Administrative court costs;

(C) Probation and supervision fees;

(D) Detention and cost-of-care fees, including child support to the department of children's services, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.);

(E) Cost of court-appointed counsel;

(F) Mental or physical evaluation, counseling, and treatment;

(G) Substance or alcohol testing and treatment fees;

(H) Cost of court-ordered diversion programs, which programs shall be offered in any case where the judge otherwise would do so, including in the absence of the assessment of any fees, fines, or costs;

(I) Fines for truancy and other delinquency matters; and

(J) Litigation or privilege taxes.

(2) Subdivision (c)(1) does not apply to fines related to juvenile traffic matters, driving under the influence, driving while impaired, or implied consent violations.

(3) If a child or the child's parent, legal custodian, or guardian fails to pay fees, fines, or other costs described in subdivision (c)(1), then the court or any department or entity shall not be permitted to:

(A) Extend the child's probation or supervision;

(B) Intercept tax refunds or initiate bank levies or property liens;

(C) Incarcerate the child or the child's parent, legal custodian, or guardian; or

(D) Hold the child or the child's parent, legal custodian, or guardian in contempt of court.

(4) If a child or the child's parent, legal guardian, or custodian is found not indigent for the purpose of appointing counsel at the initial indigency determination, then the parent, legal guardian, or custodian may petition to have the fees, fines, and costs outlined in subdivision (c)(1) waived upon a subsequent indigency determination using the uniform affidavit of indigency outlined in Tennessee Supreme Court Rule 29 for the purposes of the fees, fines, and costs at a later date.

(5) As part of the clerk's regular monthly report, the clerk of court shall file a report with the court and the administrative director of the courts. The report shall include:

(A) The number of children and adults for whom the court appointed counsel pursuant to this section; and

(B) The number of children for whom the court appointed a guardian ad litem pursuant to § 37-1-149.

SECTION 4. Tennessee Code Annotated, Section 40-14-202(c), is amended by adding the following as a new subdivision:

( ) For youth under eighteen (18) years of age, the indigency guidelines outlined in § 37-1-126;

SECTION 5. Tennessee Code Annotated, Section 40-14-202, is amended by adding the following as a new subsection:

(k) If the person is under eighteen (18) years of age and is found to be indigent for purposes of appointing counsel under subsection (c), then the court shall not charge any other fees, fines, or costs, including, but not limited to, those outlined in § 37-1-126(c).

SECTION 6. Any judgment entered prior to July 1, 2020, for the fines, fees, costs, or taxes herein, is null, void, and uncollectible on July 1, 2023, if there remains a balance due, including post-judgment interest, penalties, or collection expenses, on the judgment as of that date; and if this act removes or repeals the underlying statutory authority for, or would prohibit the assessment of the fine, fee, cost, or tax included in the judgment if the judgment had been entered after July 1, 2020. Any civil judgment, lien, or other legal encumbrance associated with these judgments is vacated. The court administrator may not charge any fees associated with the satisfaction of a judgment described in this section. By July 1, 2024, the administrative office of the courts, in consultation with state and municipal agencies, shall establish procedures to vacate and discharge all unpaid outstanding balances and all unsatisfied civil judgments, existing liens, and existing legal encumbrances that are subject to this section. The procedures shall not require a youth under eighteen (18) years of age or the parent, legal guardian, or legal custodian of a youth under eighteen (18) years of age to affirmatively act to initiate the procedures.

SECTION 7. A youth under eighteen (18) years of age or the parent, legal guardian, or legal custodian of a youth under eighteen (18) years of age, that was appointed counsel under indigency guidelines may file a petition to discharge a fine, fee, or cost debt that was entered

between July 1, 2020, and July 1, 2023. By January 1, 2024, the administrative office of the courts, in consultation with state and municipal agencies, shall establish a petition procedure.

SECTION 8. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

*Elaina Davis*  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 591\***

**House Bill No. 764**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-8-301, is amended by deleting the section and substituting:

As used in this part, unless the context otherwise requires:

(1) "Committee" means a police advisory and review committee;

(2) "Head of a law enforcement agency" means a chief of police of a municipal police force or a county sheriff, as applicable;

(3) "Internal affairs unit" means a division of a local law enforcement agency that investigates allegations of misconduct by law enforcement officers employed by the agency;

(4) "Law enforcement officer" means any person employed by any law enforcement agency of a local government entity, excluding a head of a law enforcement agency, who has a duty imposed by law to:

(A) Maintain public order;

(B) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and

(C) Investigate the commission or suspected commission of offenses;

(5) "Local governing body" means the city council, city commission, county commission, metropolitan council, or board of mayor and aldermen of a city;



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(6) "Local government entity" means any city, town, municipality, county, including any county having a metropolitan form of government in this state;

(7) Local law enforcement agency" means:

(A) Within the territory of a municipality, the municipal police force;

(B) Within the territory of a county having a metropolitan form of government, the metropolitan police force; or

(C) Within the unincorporated territory of a county, the sheriff's office; and

(8) "Mayor" means the officer vested by either the city or county charter or general law with the executive powers of a local government entity.

SECTION 2. Tennessee Code Annotated, Section 38-8-312, is amended by deleting the section and substituting:

(a) It is the express intent of the general assembly that:

(1) Sections 38-8-301 - 38-8-308 apply to all local government entities;

and

(2)

(A) This section preempts any existing law, ordinance, resolution, enactment, charter provision, or regulation by a local governing body concerning a police advisory and review committee, community oversight board, or other similar police oversight body; and

(B) A local governing body that created a police advisory and review committee, community oversight board, or other similar police oversight body prior to July 1, 2023, must comply with this section within ninety (90) days of July 1, 2023, or the police advisory and review committee, community oversight board, or other similar police oversight body is terminated.

(b)

(1) A local governing body is authorized, upon its own initiative and upon the adoption of an ordinance or resolution by a two-thirds (2/3) vote at two (2) separate meetings, to create a police advisory and review committee for the governing body.

(2) The purpose of the committee is to strengthen the relationship between citizens and the law enforcement agency; to ensure the timely, fair, and objective review of citizen complaints while protecting the individual rights of local law enforcement officers; and to make recommendations concerning citizen complaints to the head of a law enforcement agency.

(c)

(1) A committee consists of seven (7) members, each of whom must:

(A) Possess a reputation for fairness, integrity, and responsibility, and have demonstrated an active interest in public affairs and public service;

(B) Be a registered voter, as defined by § 2-1-104(a)(24), of the local government entity for which the committee is established; and

(C) Not be a current employee of a local governing body.

(2) A committee shall not restrict or otherwise limit membership based upon demographics, economic status, or employment history.

(d)

(1) Committee members are appointed by the mayor and confirmed by a majority vote of the local governing body, with initial appointments to be made for the following terms:

(A) Two (2) members of the committee are appointed for one-year terms;

(B) Two (2) members of the committee are appointed for two-year terms; and

(C) Three (3) members of the committee are appointed for three-year terms.

(2) No more than two (2) persons may be appointed from one (1) district or ward within a local government entity that is represented by a member of a local governing body.

(3) Following the initial appointments, all subsequent appointments, except to fill vacancies, are for three-year terms.

(4) Vacancies occurring other than through the expiration of terms are filled for the remainder of the term of the member being replaced.

(5) No committee member appointed pursuant to this subsection (d) may serve more than two (2) consecutive terms.

(6)

(A) Upon making the initial appointments to the committee, the mayor shall designate one (1) member of the committee to convene the first regular meeting of the committee.

(B) At its first regular meeting, the committee shall elect one (1) of its members to serve as chair, who serves a term of one (1) year or until a successor is elected. The chair may appoint other officers as the chair deems appropriate.

(e)

(1) Upon the recommendation of a majority of the committee members or by a finding of the mayor, the mayor, with a majority approval of the local governing body, may remove a member of the committee for official misconduct or neglect of duty including neglect of any duty in subsection (h).

(2) Members who are absent from three (3) consecutive regular committee meetings are considered to have vacated their positions on the committee and may be replaced.

(3) Members who cease to possess the qualifications for membership on the committee under subdivision (c)(1) are deemed to have forfeited their position on the committee.

(f) No person may receive compensation for services performed as an appointed member of the committee.

(g) Each person appointed to the committee shall complete the citizen's police academy course offered by the law enforcement agency and any other training deemed appropriate by the head of the law enforcement agency to educate citizens on law enforcement operations, practice, and training. The course must be completed within six (6) months of the date of a person's appointment to the committee. Members who fail to complete required courses are considered to have vacated their positions on the committee and may be replaced.

(h) Members of the committee shall:

(1) Respect an individual's, including a local law enforcement officer's, right to privacy, and maintain confidentiality of records;

(2) Maintain the confidentiality of internal affairs unit files; personnel files; and other files, records, or recordings received pertaining to their membership on the committee;

(3) Excuse themselves from participating in the review of a complaint in which they have a personal, professional, or financial conflict of interest; and

(4) Conduct themselves in a manner that ensures public confidence in the fairness, impartiality, and integrity of the committee, and refrain from making inappropriate or prejudicial comments regarding a matter being reviewed by the

committee or which may be reasonably expected to be reviewed by the committee.

(i) The attorney for the local government entity shall investigate an allegation of misconduct by a committee member or their staff and submit a written report of investigative findings to the mayor and local governing body.

(j)

(1) The mayor may select an executive director of the committee whose appointment is subject to the approval of a majority of the members of the committee.

(2) The executive director must:

(A) Possess a reputation for fairness, integrity, and responsibility and have demonstrated an active interest in public affairs and service;

(B) Be a registered voter of the local government entity for whom the executive director is employed;

(C) Not be a former employee of a law enforcement agency for the preceding twelve (12) months;

(D) Possess prior investigative experience, such as would be possessed by an attorney or a local law enforcement officer;

(E) Respect an individual's, including local law enforcement officer's, right to privacy, and maintain confidentiality of records;

(F) Maintain the confidentiality of all law enforcement records and files that the executive director or committee receives as a result of the committee's performance of its official duties;

(G) Not participate in the review of a complaint in which the executive director has a personal, professional, or financial conflict of interest;

(H) Conduct the duties of the office in a manner that maintains public confidence in the fairness, impartiality, and integrity of the committee, and refrain from making inappropriate or prejudicial comments regarding a matter being reviewed by the committee or which may be reasonably expected to be reviewed by the committee; and

(I) Comply with all rules applicable to other employees of the local government entity.

(3) No person may be approved as executive director under subdivision (j)(1) until the person has submitted to a:

(A) State criminal history background check and investigation to be conducted by the Tennessee bureau of investigation;

(B) National criminal history background check to be conducted by the federal bureau of investigation; and

(C) Lawfully administered test designed to detect the presence of a controlled substance or a controlled substance analogue.

(k)

(1) The executive director shall accept written, sworn complaints from members of the public regarding misconduct of local law enforcement officers and shall forward the complaints to the head of the internal affairs unit of the law enforcement agency within three (3) business days of their receipt. Upon receipt of a complaint, the unit shall immediately cause an investigation to be conducted of the allegations pursuant to the standard operating procedures of the law enforcement agency. The executive director may also accept unsworn or anonymous complaints and, if accepted, refer the complaints to the internal affairs unit for investigation.

(2) Upon notification by the head of the internal affairs unit that an investigation of an allegation of misconduct by a local law enforcement officer is

closed, whether the investigation was prompted by a complaint received by the executive director or otherwise, the executive director may review the unit file or the referral action form and determine if the investigation is complete.

(3)

(A) If the executive director determines that the investigation is complete in accordance with subdivision (k)(2), then the executive director shall file a report with the committee at its next regularly scheduled meeting that contains a copy of the internal affairs unit case, summary, or referral action form, and any documentation of disciplinary action pertaining to the case.

(B) If the executive director determines that the investigation is not complete, then the executive director shall notify the committee, at its next regularly scheduled meeting, that, in the executive director's opinion, additional investigation or additional time may be required for the investigation to be complete.

(l) At each of the regularly scheduled committee meetings, the executive director shall file a report with the committee that details the resolution of unsworn or anonymous complaints the executive director has been able to resolve without an investigation by the internal affairs unit.

(m) The executive director may request legal services and advice from the attorney for the local government entity that provides legal services to the local government for which the executive director is employed. If the attorney for the local government entity determines that the provision of legal services and advice would constitute a conflict of interest, then the attorney shall advise the executive director of the conflict and the executive director may request the attorney for the local government entity to provide other outside counsel for such legal services and advice.

(n) The executive director shall:



(1) Ensure the proper recording of the minutes of the committee;  
(2) Maintain proper records and files pertaining to committee business;  
(3) Receive and record all exhibits, petitions, documents, or other materials presented to the committee in support of or in opposition to a question before the committee;

(4) Comply with state law and local ordinances regarding notice of meetings;

(5) Provide complainants with information about the complaint process;

(6) Be a notary public;

(7) Compile statistical information regarding complaints of misconduct by law enforcement officers as reported to the executive director from a member of the public, reported to the internal affairs unit where the investigation was reviewed by the executive director, or which were initiated by the executive director; and

(8) Include the information compiled under subdivision (n)(7) in an annual report to the head of the law enforcement agency, the mayor, and the local governing body of the committee's activities.

(o)

(1) The committee shall review all reports submitted by the executive director under subdivision (k)(3)(A).

(2) If the executive director finds that an investigation is not complete under subdivision (k)(3)(B), then the committee may, by a majority vote of its members:

(A) Request the head of the law enforcement agency to conduct a further investigation of the incident, specifying that additional information is needed; or

(B) Direct the executive director to return the investigation to the internal affairs unit for additional investigation.

(3) The executive director shall report any additional investigative findings made to the committee, and upon completion of its inquiry, the committee shall report its written findings and conclusions to the head of the law enforcement agency, and the mayor.

(4)

(A) The committee shall have access to all public records it deems necessary to conduct its affairs in furtherance of its duties under this section, including law enforcement agency records. Such records include:

(i) Complaints and supporting documents provided by complainants;

(ii) Offense, incident, and arrest reports; and

(iii) Incident-related documents such as schedules, dispatch notes, dispatch tapes and transcriptions, citations, photographs, and records of interviews with complainants, employees, and witnesses.

(B) The committee shall not access nonpublic records, including employee medical records, or records that are otherwise exempt from disclosure under any state or federal law.

(5)

(A) Upon completion of the review of an internal affairs investigation, the committee may, subject to its own specific findings and conclusions, make recommendations to the head of the law enforcement agency for the improvement of law enforcement policies and activities and to benefit the community.

(B) All meetings shall be open to the public and the head of the law enforcement agency, or their designee, may attend and provide information and advice to, or accept the recommendations of, the committee, if any.

(6)

(A) The committee shall compile a comprehensive report of its activities at least once a year, with the report to contain statistics and summaries of citizen complaints, including a comparison of the committee's findings and conclusions with those of the internal affairs unit, along with the actions taken by the head of the law enforcement agency.

(B) The report compiled in subdivision (o)(6)(A) must be submitted to the:

(i) Executive director for inclusion in the executive director's annual report to the head of the law enforcement agency;

(ii) Mayor;

(iii) Local governing body;

(iv) Chairs of the civil justice and criminal justice committees of the house of representatives; and

(v) Chair of the judiciary committee of the senate.

(7)

(A) The committee may request legal services and advice from the attorney for the local government entity who provides legal services to the local government entity for which the committee serves. If the attorney for the local government entity determines that the provision of legal services and advice would constitute a conflict of interest, then the

attorney for the local government entity shall advise the committee of the conflict and the committee may request the attorney for the local government entity to provide other outside counsel for such legal services and advice.

(B) If the executive director is prohibited from participating in the review of a complaint pursuant to subdivision (j)(2)(G), then the committee may petition the mayor to appoint a temporary assistant to perform the duties of the executive director.

(p)

(1) The committee shall adopt rules of procedure for the transaction of committee business not inconsistent with this section.

(2) Four (4) members of the committee constitute a quorum. No meeting of the committee may commence or continue in the absence of a quorum, and a majority vote of those forming a quorum is required for action to be taken by the committee except where otherwise specified in this section.

(3) Regular meetings of the committee must be held no less than quarterly, on the first Wednesday of January, April, July, and October, or as the committee may otherwise elect. A scheduled meeting may be rescheduled at the preceding regular meeting. The chairman and three (3) members of the committee may call a special meeting of the committee upon at least five (5) days' notice.

(4) Committee meetings and records must be open to the public in accordance with title 8, chapter 44, part 1, and title 10, chapter 7. The committee shall provide an opportunity for public comment about an investigation being reviewed by the committee pursuant to rules established by the committee.

(5)

(A) A police advisory and review committee does not have the power to issue subpoenas for documents or to compel witness testimony.

(B) This subdivision (p)(5) does not prohibit the issuance of a subpoena by a local governing body as otherwise provided by law.

(C) A subpoena issued by a local governing body, on behalf of a police advisory and review committee, must:

(i) Be issued pursuant to majority vote of the local governing body;

(ii) Not be issued in the form of a blanket authorization, but must specify each document to be produced; and

(iii) Not be issued for documents that are confidential under any state or federal law.

(D) Notwithstanding subdivision (p)(4), any document provided to a committee that is confidential under state or federal law must be treated as confidential and must not be released to the public.

(q)

(1) The committee or its staff shall not review an investigation:

(A) Concerning an incident that occurred prior to January 1, 2023;

(B) Prior to the closure of an investigation by the internal affairs unit or of a criminal investigation;

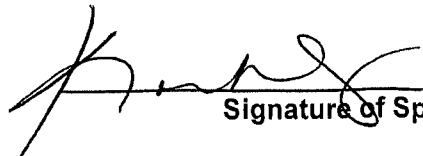
(C) While the complainant, the officer complained about, or a witness is actively engaged in pursuing a remedy provided by the rules and regulations of the civil service merit board of the local government entity; or

(D) If the complainant has initiated, threatened, or given notice of the intent to initiate litigation against the local government entity or its employees.

(2) The committee shall not direct the head of the law enforcement agency to alter or impose disciplinary action against an employee of the local law enforcement agency.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 319\***

**House Bill No. 1326**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tyre Nichols Act."

SECTION 2. Tennessee Code Annotated, Section 38-8-311, is amended by deleting the section and substituting:

(a) After completion of an investigation into an officer-involved incident by the Tennessee bureau of investigation and after the completion of the prosecutorial function by the district attorney general, notwithstanding § 10-7-504 to the contrary, the investigative record of the incident shall become a public record pursuant to title 10, chapter 7. Notwithstanding § 10-7-504, the district attorney general may disclose all or part of the investigative record to the public prior to the record becoming a public record as provided in this section.

(b) An investigation of an officer-involved incident must be completed within thirty (30) days of the incident. If appropriate, then an investigation may continue beyond the thirty-day period; however, the results of the initial investigation must become a public record as required by subsection (a) within thirty (30) days.

(c) For purposes of this section, "officer-involved incident" means an incident involving the death or serious bodily injury, as defined in § 39-11-106, of another that results from a law enforcement officer's use of force that occurs while the officer is on-duty or is off-duty while performing activities that are within the scope of the law enforcement officer's duties.

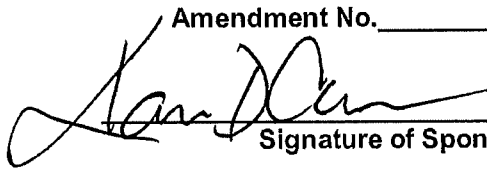
SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 319\***

**House Bill No. 1326**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tyre Nichols Act."

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following new section:

**38-8-313.**

(a) A law enforcement agency shall conduct an internal investigation into any officer-involved incident involving an officer employed by the agency to determine whether the officer violated agency policy. After completion of the internal investigation, notwithstanding § 10-7-504 to the contrary, the investigative record of the incident is a public record pursuant to title 10, chapter 7. Notwithstanding § 10-7-504, the chief officer of the law enforcement agency may disclose all or part of the investigative record to the public prior to the record becoming a public record as provided in this section.

(b) An internal investigation of an officer-involved incident by the employing law enforcement agency must be completed within thirty (30) days of the incident. If appropriate, then an investigation may continue beyond the thirty-day period; however, the results of the initial investigation must become a public record as required by subsection (a) within thirty (30) days.

(c) For purposes of this section, "officer-involved incident" means an incident involving the death or serious bodily injury, as defined in § 39-11-106, of another that results from a law enforcement officer's use of force that occurs while the officer is on-



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duty or is off-duty while performing activities that are within the scope of the law enforcement officer's duties.

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

House Criminal Justice Subcommittee Am. # 1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 875**

**House Bill No. 546\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-24-101, is amended by adding the following as a new subsection (b) and redesignating the current subsection (b) accordingly:

(b) The court shall not require an individual to pay any outstanding court-assessed fines, fees, taxes, or costs arising from a criminal proceeding during the ninety-day period following the individual's release from a term of imprisonment for a felony offense. This subsection (b) does not apply to restitution owed to a victim.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

*Dana Moody*

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1056\***

**House Bill No. 1459**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 2, is amended by adding the following as a new section:

**39-16-202.**

(a)

(1) A warden or chief administrative officer employed by a penal institution, as defined in § 39-16-601, or the warden or administrative officer's designee, who knows that an offense enumerated in subdivision (a)(2) has occurred within the penal institution shall report the offense to the district attorney general for the judicial district in which the penal institution is located within five (5) business days of becoming aware of the offense being committed.

(2) Subdivision (a)(1) applies to the following offenses:

- (A) Aggravated assault, as defined in § 39-13-102;
- (B) First degree murder, as defined in § 39-13-202;
- (C) Second degree murder, as defined in § 39-13-210;
- (D) Voluntary manslaughter, as defined in § 39-13-211;
- (E) Criminally negligent homicide, as defined in § 39-13-212;
- (F) Aggravated rape, as defined in § 39-13-502;
- (G) Rape, as defined in § 39-13-503;
- (H) Aggravated sexual battery, as defined in § 39-13-504;
- (I) Sexual battery, as defined in § 39-13-505; and



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(J) Indecent exposure, as defined in § 39-13-511(c).

(b) A violation of this section is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 40-35-115(b), is amended by adding the following as a new subdivision:

(9) The defendant was incarcerated at the time of the offense and is convicted of an offense enumerated in § 39-16-202(a)(2).

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 806\***

**House Bill No. 1476**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-21-236(a), is amended by adding the following as a new subdivision:

(8) The criteria established by the department for awarding credits for good institutional behavior pursuant to this subsection (a) must include a requirement that the inmate complete the static risk offender needs guide – revised (STRONG-R) assessment and participate in programming recommended by the assessment in order for the inmate to be eligible to earn sentence credits for good institutional behavior.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



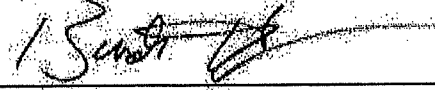
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Amendment No. \_\_\_\_\_



Signature of Sponsor

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**AMEND Senate Bill No. 806\***

**House Bill No. 1476**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-21-236(a), is amended by adding the following as a new subdivision:

(8) The criteria established by the department for awarding credits for good institutional behavior pursuant to this subsection (a) must include a requirement that the inmate complete a department-approved validated risk and needs assessment and participate in programming or employment in order for the inmate to be eligible to earn sentence credits for good institutional behavior.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



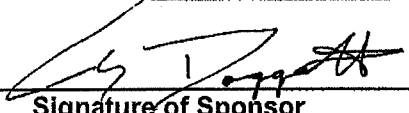
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**AMEND Senate Bill No. 1416**

**House Bill No. 1021\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-24-107, is amended by deleting subsection (c) and substituting:

(c) There is created in the department of finance and administration's office of criminal justice programs a fund to be known as the "criminal injuries compensation fund." Moneys must be deposited to the fund as provided by law and must be invested for the benefit of the fund pursuant to § 9-4-603. Moneys in the fund shall not revert to the general fund of the state, but must remain available and be appropriated exclusively for providing compensation under the Criminal Injuries Compensation Act, compiled in title 29, chapter 13, and this section. The office of criminal justice programs shall annually determine the amount of awards paid to victims of drunk drivers pursuant to title 29, chapter 13, for the preceding fiscal year and shall set aside in a separate reserve within the fund an amount equal to three (3) times the awards paid during that fiscal year. The separate reserve may only be used to pay awards to victims of drunk drivers in the event current revenues to the fund are insufficient to pay awards to the victims.

SECTION 2. Tennessee Code Annotated, Section 29-13-117, is amended by deleting the section and substituting:

The office of criminal justice programs shall annually provide the state treasurer with financial, statistical, and other relevant information on the financial condition of the criminal injuries compensation fund and the operation of this chapter. The state treasurer shall include in the annual report of the state treasurer all financial, statistical,



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or other relevant information to accurately report the financial condition of the criminal injuries compensation fund and the operation of this chapter.

SECTION 3. Tennessee Code Annotated, Section 29-13-116(c), is amended by deleting "treasurer" wherever it appears and substituting "office of criminal justice programs".

SECTION 4. Tennessee Code Annotated, Section 29-13-105(a)(3), is amended by adding "or a member of the victim's household" before the semicolon.

SECTION 5. Tennessee Code Annotated, Section 29-13-105, is amended by deleting subdivision (a)(4) and substituting:

(4) In the case of the death of the victim, where the compensation is for unreimbursed or unreimbursable funeral or burial expenses, to the legal representative of the estate of the victim or, if no estate of the victim is opened, to a relative of the victim as defined in § 29-13-102, or a person who can document the person's contribution of payment for the cost of funeral or burial expenses;

SECTION 6. Tennessee Code Annotated, Section 29-13-108, is amended by deleting subsection (a) and substituting:

(a) A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based or two (2) years after the death of the victim or two (2) years after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-12-101, 39-13-502 – 39-13-505, 39-13-522, 39-15-302, 39-17-902, and 39-17-1003 – 39-17-1005, or an attempt, conspiracy or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing a claim may be extended either before or after the expiration of the filing period. A claim cannot be filed until the crime upon which the claim is based has been reported to the proper authorities.

SECTION 7. Tennessee Code Annotated, Section 29-13-108(b), is amended by deleting "the police" and substituting "law enforcement".



SECTION 8. Tennessee Code Annotated, Section 29-13-108(g), is amended by deleting "one-year" and substituting "two-year".

SECTION 9. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 378**

**House Bill No. 403\***

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

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 27, is amended by adding the following as a new part:

**43-27-201.**

The purpose of this part is to regulate the sale and distribution of products containing a hemp-derived cannabinoid.

**43-27-202.**

As used in this part, unless the context otherwise requires:

(1) "Batch" means a single stock keeping unit with common cannabinoid input or a hemp flower of the same varietal and harvested on the same date and manufactured during a defined cycle in such a way that it could be expected to be of a uniform character and should be designated as such;

(2) "Hemp-derived cannabinoid":

(A) Means:

(i) A cannabinoid other than delta-9 tetrahydrocannabinol, or an isomer derived from such cannabinoid, that is derived from hemp in a concentration of more than one-tenth of one percent (0.1%); or

(ii) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three-tenths of one percent (0.3%) or less on a dry weight basis;



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(B) Includes, but is not limited to:

- (i) Delta-8 tetrahydrocannabinol;
- (ii) Delta-10 tetrahydrocannabinol;
- (iii) Hexahydrocannabinol;
- (iv) Tetrahydrocannabiphorol (THCp);
- (v) Tetrahydrocannabivarin (THCv); and
- (vi) Tetrahydrocannabinolic acid (THCa); and

(C) Does not include:

- (i) Cannabichromene (CBC/CBCa/CBCv);
- (ii) Cannabicitran (CBT/CBTa);
- (iii) Cannabicyclol (CBL/CBLa);
- (iv) Cannabidiol (CBD/CBDa/CBDv/CBDp);
- (v) Cannabielsoin (CBE/CBEa);
- (vi) Cannabigerol (CBG/CBGa/CBGv/CBGm);
- (vii) Cannabinol (CBN/CBNa);
- (viii) Cannabivarin (CBV/CBVa);
- (ix) Hemp-derived feed products allowed under title 44, chapter 6;
- (x) Hemp-derived fiber, grain, or topical products; or
- (xi) A substance that is categorized as a Schedule I controlled substance on or after July 1, 2023, including a substance that may be identified in subdivision (2)(B);

(3) "Manufacture" means to compound, blend, extract, infuse, cook, or otherwise make or prepare products containing a hemp-derived cannabinoid, including the processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of products containing a hemp-derived cannabinoid;

(4) "Proof of age" means a valid driver license or other government-issued identification card that contains a photograph of the person and confirms the person's age as twenty-one (21) years of age or older;

(5) "Retailer" means a person or entity that sells products containing a hemp-derived cannabinoid for consumption and not for resale;

(6) "Serving" means a quantity of a hemp-derived cannabinoid product reasonably suitable for a single person's daily use; and

(7) "Supplier" means a person or entity that manufactures hemp-derived cannabinoids or sells products containing hemp-derived cannabinoids to retailers.

**43-27-203.**

(a)

(1) It is an offense for a person or entity to engage in the business of manufacturing, producing, or selling products containing a hemp-derived cannabinoid in this state without a valid license required by this part.

(2) A product containing a hemp-derived cannabinoid that is sold or offered for sale in violation of subdivision (a)(1) is subject to seizure and forfeiture pursuant to § 53-11-451.

(b)

(1) It is an offense to knowingly sell or distribute a product containing a hemp-derived cannabinoid without having first obtained proof of age from the purchaser or recipient.

(2) It is an offense for a person to knowingly sell or distribute a product containing a hemp-derived cannabinoid to a person who is under twenty-one (21) years of age or to purchase a product containing a hemp-derived cannabinoid on behalf of a person who is under twenty-one (21) years of age.

(3) It is an offense for a person to knowingly assist a person who is under twenty-one (21) years of age to purchase, acquire, receive, or attempt to purchase a product containing a hemp-derived cannabinoid.

(4) It is an offense for a person who is under twenty-one (21) years of age to knowingly purchase, possess, or accept receipt of a product containing a hemp-derived cannabinoid or to knowingly present purported proof of age that is false, fraudulent, or not actually that person's for the purpose of purchasing or receiving a product containing a hemp-derived cannabinoid.

(5) This subsection (b) does not preclude law enforcement efforts involving:

(A) The use of a minor if the minor's parent or legal guardian has consented to this action; or

(B) The use of a person under twenty-one (21) years of age who is not a minor if the individual has consented to this action.

(c) It is an offense to knowingly distribute samples of products containing a hemp-derived cannabinoid in or on a public street, sidewalk, or park.

(d) A violation of this section is a Class A misdemeanor.

(e) Notwithstanding this part to the contrary and except as provided in § 43-27-205, state and local law enforcement officers have concurrent jurisdiction to enforce violations of this section and § 43-27-204.

**43-27-204.**

(a) As used in this section:

(1) "Counter" means the point of purchase at a retail establishment; and

(2) "Retail establishment" means a place of business open to the general public for the sale of goods or services and does not include a place of business for which entry is limited to persons twenty-one (21) years of age or older.

(b) A product containing a hemp-derived cannabinoid must be maintained behind the counter of a retail establishment in an area inaccessible to a customer.

(c) A violation of this section is a Class A misdemeanor.

**43-27-205.**

(a) The department of agriculture is responsible for:

(1) Issuing licenses to suppliers and retailers under this part;

(2) Overseeing the manufacture and distribution of hemp-derived cannabinoid products by licensed suppliers, including ensuring compliance with labeling, product testing, and transportation requirements and conducting necessary inspections, prior to a product's delivery or sale to a retailer; and

(3) Conducting random, unannounced inspections at locations where hemp-derived cannabinoids and products containing hemp-derived cannabinoids are manufactured, distributed, or sold to ensure compliance with this part.

(b) The department of revenue:

(1) Is responsible for ensuring retailers are in compliance with this part and applicable tax provisions under title 67, including § 67-6-232;

(2) Shall enforce this part in a manner that may reasonably be expected to reduce the extent to which non-compliant hemp-derived cannabinoid products are sold and shall conduct random, unannounced inspections at retail locations where such products are sold to ensure compliance with this part. The department of revenue shall determine the frequency of random, unannounced inspections required under this subdivision (b)(2); and

(3) Is authorized to confiscate non-compliant hemp-derived cannabinoid products as contraband in the manner described in title 53, chapter 11. All products that the department of revenue confiscates under this subdivision (b)(3) are subject to seizure and forfeiture pursuant to § 53-11-451.

(c) Each department shall submit an annual report to the general assembly describing in detail the department's compliance and enforcement efforts under this part. The report must also be published and made available to the public on each department's website.

**43-27-206.**

(a) A person or entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this state, including as a supplier or retailer, must obtain a license from the department of agriculture authorizing the person or entity to engage in that business prior to the commencement of business or by January 1, 2024, whichever is later.

(b)

(1) In order to obtain and maintain a supplier or retailer license under subsection (a), a person must:

(A) Submit to the department of agriculture information prescribed by rules as necessary for the efficient enforcement of this part;

(B) Pay to the department of agriculture a fee of five hundred dollars (\$500) for supplier or two hundred fifty dollars (\$250) per retailer per location;

(C) Consent to reasonable inspection and sampling by the department of agriculture, or the department of revenue as applicable, of the person's inventory of products containing a hemp-derived cannabinoid; and

(D) Submit to a criminal history background check that includes fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(2) A person is not eligible to obtain or maintain a supplier or retailer license while serving a sentence for, or for ten (10) years following the date of conviction for, a drug-related felony offense in any state or federal jurisdiction.

(3)

(A) A retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12) shall not sell products containing a hemp-derived cannabinoid, unless the applicant provides the department with documentation that establishes that products containing a hemp-derived cannabinoid were being offered for sale at retail at such location on December 31, 2023.

(B) The department shall accept business records, photographs, and video recordings as documentation for purposes of determining whether an applicant qualifies for the exception in subdivision (b)(3)(A).

(C) For the purposes of subdivision (b)(3)(A), measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a retail establishment to the nearest point on the property line of a parcel containing a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12).

(c) A license issued pursuant to this section is valid for a period of one (1) year and may be renewed annually. The department of agriculture shall charge an annual renewal fee equal to the initial licensing fee.

(d) The department of agriculture is authorized to:

(1) Determine requirements for and issue licenses for the manufacture or sale of products containing a hemp-derived cannabinoid in this state; and



(2) Deny or revoke licenses and issue civil penalties in the following manner for each violation of this part, or a rule promulgated pursuant to this part, as follows:

- (A) One thousand dollars (\$1,000) for a first violation;
- (B) Two thousand five hundred dollars (\$2,500) for a second violation that occurs within two (2) years of the first violation;
- (C) Five thousand dollars (\$5,000) for a third violation that occurs within two (2) years of the first violation;
- (D) Revocation of the license for a fourth violation that occurs within two (2) years of the first violation; and
- (E) Require retraining of all employees of the licensee under the supervision of the department in addition to the civil penalty imposed pursuant to subdivisions (d)(2)(A)-(C).

(e) The revenue collected from fees established under subdivision (b)(1)(B) must be deposited in the Tennessee agriculture regulatory fund, created by § 43-1-701, and used exclusively for the administration of this part.

**43-27-207.**

(a) Testing of products and substances must be conducted as follows:

(1) Full-panel testing on all active cannabinoid molecules must be conducted prior to final production of products containing a hemp-derived cannabinoid; and

(2) A potency test must be conducted on finished goods to confirm potency is consistent with stated potency on the packaging.

(b)

(1) A supplier or retailer must contract with a third-party laboratory to provide the testing required by subsection (a).

(2) The department of agriculture is authorized to promulgate rules specifying which types of tests may be used to satisfy the requirements of subsection (a) and the qualifications for laboratories from which the department will accept test results.

(c) Each batch manufactured must undergo testing and obtain a certificate of analysis by a third-party laboratory qualified under subsection (b).

(d) The department of agriculture shall:

(1) Promulgate rules specifying pass/fail action levels for safety and toxicity with respect to the testing required by subsection (a);

(2) Maintain and post on its website a registry of testing laboratories that are qualified to test intermediate manufactured material and finished products containing a hemp-derived cannabinoid;

(3) Develop an application and process by which qualifying laboratories are listed on its website. The application submitted by a potentially qualifying laboratory must include a sample certificate of analysis issued by the applying laboratory; and

(4) Sample and analyze products containing a hemp-derived cannabinoid produced, distributed, or offered for sale in this state for cannabinoid concentrations, tested according to protocols prescribed by rule under this part. Departmental testing methods must employ liquid chromatography tandem mass spectrometry, in a manner similarly reliable to post-decarboxylation, to determine a cannabinoid profile of samples tested, including their THC concentrations.

**43-27-208.**

(a) Except as provided in subsection (b), a person transporting products containing a hemp-derived cannabinoid into, within, or through this state shall carry:

(1) Documentation sufficient to prove that the products being shipped or transported:

(A) Were produced from hemp that was lawfully produced under a state or tribal hemp plan approved by the United States department of agriculture, under a hemp license issued by the United States department of agriculture, or otherwise in accordance with federal regulations through the state or territory of the Indian tribe, as applicable; and

(B) Do not exceed the cannabinoid limits for hemp-derived cannabinoids; and

(2) A bill of lading that includes:

(A) Name and address of the owner of the products;

(B) Point of origin;

(C) Point of delivery, including name and address;

(D) Kind and quantity of packages or, if in bulk, the total quantity of products in the shipment; and

(E) Date of shipment.

(b) Subsection (a) does not apply to a person in possession of products containing a hemp-derived cannabinoid that were purchased from a retailer that is licensed under this part.

**43-27-209.**

(a) A product containing a hemp-derived cannabinoid that is sold at retail must:

(1) Satisfy the child-resistant effectiveness standards under 16 CFR 1700.15(b)(1) when tested in accordance with the requirements of 16 CFR 1700.20; and

(2) Be labeled with:

(A) A list of ingredients and possible allergens and a nutritional fact panel;

(B) A warning statement concerning the risk of impairment from consumption of the product, keeping the product out of the reach of

children, and other warning information as required by rule of the department of agriculture;

(C) If the product is ingestible, the amount of cannabinoid in each serving of the product, measured in milligrams;

(D) The total amount of hemp-derived cannabinoid in the entire package, measured in milligrams;

(E) The net weight of the product;

(F) A quick response (QR) code that can be scanned to access a website providing the product's batch number, date received, date of completion, method of analysis for the testing report required under § 43-27-207, including information regarding results of the product's full-panel and potency tests conducted pursuant to § 43-27-207(a); and

(G) An expiration date.

(b) A person who obtains a product containing a hemp-derived cannabinoid that is sold at retail shall store any unconsumed portion of the product in the packaging that meets the requirements of subdivision (a)(1) and is labeled as required by subdivision (a)(2). It is a Class C misdemeanor offense for a person to violate this subsection (b).

(c) A retailer or supplier of a product containing a hemp-derived cannabinoid shall not advertise, market, or offer for sale a product containing a hemp-derived cannabinoid by using, in the labeling or design of the product or product packaging or in advertising or marketing materials for the product trade dress, trademarks, branding, or other related imagery or scenery that depicts or signifies characters or symbols known to appeal primarily to persons under twenty-one (21) years of age, including, but not limited to, superheroes, comic book characters, video game characters, television show characters, movie characters, and unicorns or other mythical creatures.

(d) An ingestible product containing a hemp-derived cannabinoid shall not:

(1) Be sold in a serving that contains more than twenty-five (25) milligrams, in the aggregate, of one (1) or more hemp-derived cannabinoids; or

(2) Be formed into the shape of an animal or cartoon character.

(e) The department of agriculture is authorized to promulgate rules for the packaging, labeling, and display of products containing a hemp-derived cannabinoid that are offered for sale in this state.

**43-27-210.**

(a) This part does not permit a person to:

(1) Undertake any task under the influence of a hemp-derived cannabinoid when doing so would constitute negligence or professional malpractice; or

(2) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle while under the influence of a hemp-derived cannabinoid.

(b) This part does not require:

(1) An employer to accommodate the use of a hemp-derived cannabinoid in a workplace or an employee working while under the influence of a hemp-derived cannabinoid;

(2) An individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use a hemp-derived cannabinoid on or in that property; or

(3) An individual or establishment in lawful possession of property to admit a guest, client, customer, or other visitor who is impaired as a result of the person's use of a hemp-derived cannabinoid.

(c) This part does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from use of a hemp-derived cannabinoid or

relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(d) This part does not:

- (1) Limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy;
- (2) Create a cause of action against an employer for wrongful discharge or discrimination; or
- (3) Allow the possession, sale, manufacture, or distribution of any substance that is otherwise prohibited by title 39, chapter 17, part 4.

**43-27-211.**

The departments of agriculture and revenue are authorized to promulgate rules to effectuate this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 53-11-451(a), is amended by adding the following as a new subdivision:

- (8) All products containing a hemp-derived cannabinoid that are manufactured, transported, packaged, labeled, displayed, distributed as samples, offered for sale, or sold in violation of title 43, chapter 27, part 2.

SECTION 3. Tennessee Code Annotated, Section 53-11-451(b), is amended by adding the following language immediately after the first sentence in the subdivision:

Property subject to forfeiture under title 43, chapter 27, part 2, may be seized by the director of the Tennessee bureau of investigation or the director's authorized representative, agent, or employee; the commissioner of safety or the commissioner's authorized representative, agent, or employee; the commissioner of agriculture or the commissioner's authorized representative, agent, or employee; the commissioner of revenue or the commissioner's authorized representative, agent, or employee; or a sheriff, deputy sheriff, municipal law enforcement officer, campus police officer as

defined in § 49-7-118, internal affairs director or internal affairs special agent of the department of correction, or constable upon process issued by any circuit or criminal court having jurisdiction over the property.

SECTION 4. Tennessee Code Annotated, Section 53-11-451(k), is amended by deleting the language "subdivisions (a)(1) and (7)" and substituting "subdivisions (a)(1), (7), and (8)".

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following as a new section:

**67-6-232.**

(a) For the exercise of the privilege of engaging in the business of selling products containing a hemp-derived cannabinoid in this state pursuant to title 43, chapter 27, part 2, there is levied an additional tax at the rate of six percent (6%) of the sales price of products containing a hemp-derived cannabinoid when sold at retail in this state.

(b) The tax levied under this section is due and payable monthly on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this section, all retailers making taxable sales on or before the twentieth day of each month shall transmit to the commissioner of revenue, upon forms prescribed by the commissioner, returns showing gross sales during the preceding month.

(c) All revenue generated from the tax levied pursuant to subsection (a) must be deposited into a special account in the state general fund, with fifty percent (50%) being allocated to the department of revenue and fifty percent (50%) being allocated to the department of agriculture, to be used exclusively for the regulation of products containing a hemp-derived cannabinoid in this state.

SECTION 6. Tennessee Code Annotated, Title 39, Chapter 17, Part 15, is amended by adding the following as a new section:

**39-17-1514.**

Smoking hemp that is sold at retail must:

(1) Be packaged in a manner that satisfies the child-resistant effectiveness standards under 16 CFR 1700.15(b)(1) when tested in accordance with the requirements of 16 CFR 1700.20; and

(2) Be labeled with:

(A) A warning statement concerning the risk of impairment from consumption of the product, the importance of keeping the product out of the reach of children, and other warning information as required by rule of the department of agriculture;

(B) The total amount of hemp-derived cannabinoid, as defined in § 43-7-202, in the entire package, measured in milligrams; and

(C) The net weight of the product.

SECTION 7. Tennessee Code Annotated, Section 39-17-1510, is amended by deleting the language "or § 39-17-1508" and substituting "§ 39-17-1508, or § 39-17-1514".

SECTION 8. For purposes of promulgating rules or forms, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:

(1) Sections 43-27-202, 43-27-203(b)-(e), 43-27-204, SECTION 5, SECTION 6, and SECTION 7 take effect July 1, 2023, the public welfare requiring it;

(2) For purposes of requiring the department of revenue to ensure that retailers are in compliance with applicable tax provisions, Section 43-27-205(b)(1) takes effect July 1, 2023; and

(3) All other sections take effect January 1, 2024, the public welfare requiring it.



Amendment No. \_\_\_\_\_

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 378**

**House Bill No. 403\***

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

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 27, is amended by adding the following as a new part:

**43-27-201.**

The purpose of this part is to regulate the sale and distribution of products containing a hemp-derived cannabinoid.

**43-27-202.**

As used in this part, unless the context otherwise requires:

(1) "Batch" means a single stock keeping unit with common cannabinoid input or a hemp flower of the same varietal and harvested on the same date and manufactured during a defined cycle in such a way that it could be expected to be of a uniform character and should be designated as such;

(2) "Hemp-derived cannabinoid":

(A) Means:

(i) A cannabinoid other than delta-9 tetrahydrocannabinol, or an isomer derived from such cannabinoid, that is derived from hemp in a concentration of more than one-tenth of one percent (0.1%); or

(ii) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three-tenths of one percent (0.3%) or less on a dry weight basis;



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(B) Includes, but is not limited to:

- (i) Delta-8 tetrahydrocannabinol;
- (ii) Delta-10 tetrahydrocannabinol;
- (iii) Hexahydrocannabinol;
- (iv) Tetrahydrocannabiphorol (THCp);
- (v) Tetrahydrocannabivarin (THCv); and
- (vi) Tetrahydrocannabinolic acid (THCa); and

(C) Does not include:

- (i) Cannabichromene (CBC/CBCa/CBCv);
- (ii) Cannabicitran (CBT/CBTa);
- (iii) Cannabicyclol (CBL/CBLa);
- (iv) Cannabidiol (CBD/CBDa/CBDv/CBDp);
- (v) Cannabielsoin (CBE/CBEa);
- (vi) Cannabigerol (CBG/CBGa/CBGv/CBGm);
- (vii) Cannabinol (CBN/CBNa);
- (viii) Cannabivarin (CBV/CBVa);
- (ix) Hemp-derived feed products allowed under title 44, chapter 6;
- (x) Hemp-derived fiber, grain, or topical products; or
- (xi) A substance that is categorized as a Schedule I controlled substance on or after July 1, 2023, including a substance that may be identified in subdivision (2)(B);

(3) "Manufacture" means to compound, blend, extract, infuse, cook, or otherwise make or prepare products containing a hemp-derived cannabinoid, including the processes of extraction, infusion, packaging, repackaging, labeling, and relabeling of products containing a hemp-derived cannabinoid;

(4) "Proof of age" means a valid driver license or other government-issued identification card that contains a photograph of the person and confirms the person's age as twenty-one (21) years of age or older;

(5) "Retailer" means a person or entity that sells products containing a hemp-derived cannabinoid for consumption and not for resale;

(6) "Serving" means a quantity of a hemp-derived cannabinoid product reasonably suitable for a single person's daily use; and

(7) "Supplier" means a person or entity that manufactures hemp-derived cannabinoids or sells products containing hemp-derived cannabinoids to retailers.

**43-27-203.**

(a)

(1) It is an offense for a person or entity to engage in the business of manufacturing, producing, or selling products containing a hemp-derived cannabinoid in this state without a valid license required by this part.

(2) A product containing a hemp-derived cannabinoid that is sold or offered for sale in violation of subdivision (a)(1) is subject to seizure and forfeiture pursuant to § 53-11-451.

(b)

(1) It is an offense to knowingly sell or distribute a product containing a hemp-derived cannabinoid without having first obtained proof of age from the purchaser or recipient.

(2) It is an offense for a person to knowingly sell or distribute a product containing a hemp-derived cannabinoid to a person who is under twenty-one (21) years of age or to purchase a product containing a hemp-derived cannabinoid on behalf of a person who is under twenty-one (21) years of age.

(3) It is an offense for a person to knowingly assist a person who is under twenty-one (21) years of age to purchase, acquire, receive, or attempt to purchase a product containing a hemp-derived cannabinoid.

(4) It is an offense for a person who is under twenty-one (21) years of age to knowingly purchase, possess, or accept receipt of a product containing a hemp-derived cannabinoid or to knowingly present purported proof of age that is false, fraudulent, or not actually that person's for the purpose of purchasing or receiving a product containing a hemp-derived cannabinoid.

(5) This subsection (b) does not preclude law enforcement efforts involving:

(A) The use of a minor if the minor's parent or legal guardian has consented to this action; or

(B) The use of a person under twenty-one (21) years of age who is not a minor if the individual has consented to this action.

(c) It is an offense to knowingly distribute samples of products containing a hemp-derived cannabinoid in or on a public street, sidewalk, or park.

(d) A violation of this section is a Class A misdemeanor.

(e) Notwithstanding this part to the contrary and except as provided in § 43-27-205, state and local law enforcement officers have concurrent jurisdiction to enforce violations of this section and § 43-27-204.

**43-27-204.**

(a) As used in this section:

(1) "Counter" means the point of purchase at a retail establishment; and

(2) "Retail establishment" means a place of business open to the general public for the sale of goods or services and does not include a place of business for which entry is limited to persons twenty-one (21) years of age or older.

(b) A product containing a hemp-derived cannabinoid must be maintained behind the counter of a retail establishment in an area inaccessible to a customer.

(c) A violation of this section is a Class A misdemeanor.

**43-27-205.**

(a) The department of agriculture is responsible for:

(1) Issuing licenses to suppliers and retailers under this part;

(2) Overseeing the manufacture and distribution of hemp-derived cannabinoid products by licensed suppliers, including ensuring compliance with labeling, product testing, and transportation requirements and conducting necessary inspections, prior to a product's delivery or sale to a retailer; and

(3) Conducting random, unannounced inspections at locations where hemp-derived cannabinoids and products containing hemp-derived cannabinoids are manufactured, distributed, or sold to ensure compliance with this part.

(b) The department of revenue:

(1) Is responsible for ensuring retailers are in compliance with this part and applicable tax provisions under title 67, including § 67-6-232;

(2) Shall enforce this part in a manner that may reasonably be expected to reduce the extent to which non-compliant hemp-derived cannabinoid products are sold and shall conduct random, unannounced inspections at retail locations where such products are sold to ensure compliance with this part. The department of revenue shall determine the frequency of random, unannounced inspections required under this subdivision (b)(2); and

(3) Is authorized to confiscate non-compliant hemp-derived cannabinoid products as contraband in the manner described in title 53, chapter 11. All products that the department of revenue confiscates under this subdivision (b)(3) are subject to seizure and forfeiture pursuant to § 53-11-451.

(c) Each department shall submit an annual report to the general assembly describing in detail the department's compliance and enforcement efforts under this part. The report must also be published and made available to the public on each department's website.

**43-27-206.**

(a) A person or entity that is in the business of manufacturing or selling products containing a hemp-derived cannabinoid in this state, including as a supplier or retailer, must obtain a license from the department of agriculture authorizing the person or entity to engage in that business prior to the commencement of business or by January 1, 2024, whichever is later.

(b)

(1) In order to obtain and maintain a supplier or retailer license under subsection (a), a person must:

(A) Submit to the department of agriculture information prescribed by rules as necessary for the efficient enforcement of this part;

(B) Pay to the department of agriculture a fee of five hundred dollars (\$500) for supplier or two hundred fifty dollars (\$250) per retailer per location;

(C) Consent to reasonable inspection and sampling by the department of agriculture, or the department of revenue as applicable, of the person's inventory of products containing a hemp-derived cannabinoid; and

(D) Submit to a criminal history background check that includes fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(2) A person is not eligible to obtain or maintain a supplier or retailer license while serving a sentence for, or for ten (10) years following the date of conviction for, a drug-related felony offense in any state or federal jurisdiction.

(3)

(A) A retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12) shall not sell products containing a hemp-derived cannabinoid, unless the applicant provides the department with documentation that establishes that products containing a hemp-derived cannabinoid were being offered for sale at retail at such location on December 31, 2023.

(B) The department shall accept business records, photographs, and video recordings as documentation for purposes of determining whether an applicant qualifies for the exception in subdivision (b)(3)(A).

(C) For the purposes of subdivision (b)(3)(A), measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a retail establishment to the nearest point on the property line of a parcel containing a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12).

(c) A license issued pursuant to this section is valid for a period of one (1) year and may be renewed annually. The department of agriculture shall charge an annual renewal fee equal to the initial licensing fee.

(d) The department of agriculture is authorized to:

(1) Determine requirements for and issue licenses for the manufacture or sale of products containing a hemp-derived cannabinoid in this state; and

(2) Deny or revoke licenses and issue civil penalties in the following manner for each violation of this part, or a rule promulgated pursuant to this part, as follows:

(A) One thousand dollars (\$1,000) for a first violation;

(B) Two thousand five hundred dollars (\$2,500) for a second violation that occurs within two (2) years of the first violation;

(C) Five thousand dollars (\$5,000) for a third violation that occurs within two (2) years of the first violation;

(D) Revocation of the license for a fourth violation that occurs within two (2) years of the first violation; and

(E) Require retraining of all employees of the licensee under the supervision of the department in addition to the civil penalty imposed pursuant to subdivisions (d)(2)(A)-(C).

(e) The revenue collected from fees established under subdivision (b)(1)(B) must be deposited in the Tennessee agriculture regulatory fund, created by § 43-1-701, and used exclusively for the administration of this part.

**43-27-207.**

(a) Testing of products and substances must be conducted as follows:

(1) Full-panel testing on all active cannabinoid molecules must be conducted prior to final production of products containing a hemp-derived cannabinoid; and

(2) A potency test must be conducted on finished goods to confirm potency is consistent with stated potency on the packaging.

(b)

(1) A supplier or retailer must contract with a third-party laboratory to provide the testing required by subsection (a).



(2) The department of agriculture is authorized to promulgate rules specifying which types of tests may be used to satisfy the requirements of subsection (a) and the qualifications for laboratories from which the department will accept test results.

(c) Each batch manufactured must undergo testing and obtain a certificate of analysis by a third-party laboratory qualified under subsection (b).

(d) The department of agriculture shall:

(1) Promulgate rules specifying pass/fail action levels for safety and toxicity with respect to the testing required by subsection (a);

(2) Maintain and post on its website a registry of testing laboratories that are qualified to test intermediate manufactured material and finished products containing a hemp-derived cannabinoid;

(3) Develop an application and process by which qualifying laboratories are listed on its website. The application submitted by a potentially qualifying laboratory must include a sample certificate of analysis issued by the applying laboratory; and

(4) Sample and analyze products containing a hemp-derived cannabinoid produced, distributed, or offered for sale in this state for cannabinoid concentrations, tested according to protocols prescribed by rule under this part. Departmental testing methods must employ liquid chromatography tandem mass spectrometry, in a manner similarly reliable to post-decarboxylation, to determine a cannabinoid profile of samples tested, including their THC concentrations.

**43-27-208.**

(a) Except as provided in subsection (b), a person transporting products containing a hemp-derived cannabinoid into, within, or through this state shall carry:

(1) Documentation sufficient to prove that the products being shipped or transported:

(A) Were produced from hemp that was lawfully produced under a state or tribal hemp plan approved by the United States department of agriculture, under a hemp license issued by the United States department of agriculture, or otherwise in accordance with federal regulations through the state or territory of the Indian tribe, as applicable; and

(B) Do not exceed the cannabinoid limits for hemp-derived cannabinoids; and

(2) A bill of lading that includes:

(A) Name and address of the owner of the products;

(B) Point of origin;

(C) Point of delivery, including name and address;

(D) Kind and quantity of packages or, if in bulk, the total quantity of products in the shipment; and

(E) Date of shipment.

(b) Subsection (a) does not apply to a person in possession of products containing a hemp-derived cannabinoid that were purchased from a retailer that is licensed under this part.

**43-27-209.**

(a) A product containing a hemp-derived cannabinoid that is sold at retail must:

(1) Satisfy the child-resistant effectiveness standards under 16 CFR 1700.15(b)(1) when tested in accordance with the requirements of 16 CFR 1700.20; and

(2) Be labeled with:

(A) A list of ingredients and possible allergens and a nutritional fact panel;

(B) A warning statement concerning the risk of impairment from consumption of the product, keeping the product out of the reach of

children, and other warning information as required by rule of the department of agriculture;

(C) If the product is ingestible, the amount of cannabinoid in each serving of the product, measured in milligrams;

(D) The total amount of hemp-derived cannabinoid in the entire package, measured in milligrams;

(E) The net weight of the product;

(F) A quick response (QR) code that can be scanned to access a website providing the product's batch number, date received, date of completion, method of analysis for the testing report required under § 43-27-207, including information regarding results of the product's full-panel and potency tests conducted pursuant to § 43-27-207(a); and

(G) An expiration date.

(b) A person who obtains a product containing a hemp-derived cannabinoid that is sold at retail shall store any unconsumed portion of the product in its original packaging. It is a Class C misdemeanor offense for a person to violate this subsection (b).

(c) A retailer or supplier of a product containing a hemp-derived cannabinoid shall not advertise, market, or offer for sale a product containing a hemp-derived cannabinoid by using, in the labeling or design of the product or product packaging or in advertising or marketing materials for the product trade dress, trademarks, branding, or other related imagery or scenery that depicts or signifies characters or symbols known to appeal primarily to persons under twenty-one (21) years of age, including, but not limited to, superheroes, comic book characters, video game characters, television show characters, movie characters, and unicorns or other mythical creatures.

(d) An ingestible product containing a hemp-derived cannabinoid shall not:

(1) Be sold in a serving that contains more than twenty-five (25) milligrams, in the aggregate, of one (1) or more hemp-derived cannabinoids; or

(2) Be formed into the shape of an animal or cartoon character.

(e) The department of agriculture is authorized to promulgate rules for the packaging, labeling, and display of products containing a hemp-derived cannabinoid that are offered for sale in this state.

**43-27-210.**

(a) This part does not permit a person to:

(1) Undertake any task under the influence of a hemp-derived cannabinoid when doing so would constitute negligence or professional malpractice; or

(2) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle while under the influence of a hemp-derived cannabinoid.

(b) This part does not require:

(1) An employer to accommodate the use of a hemp-derived cannabinoid in a workplace or an employee working while under the influence of a hemp-derived cannabinoid;

(2) An individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use a hemp-derived cannabinoid on or in that property; or

(3) An individual or establishment in lawful possession of property to admit a guest, client, customer, or other visitor who is impaired as a result of the person's use of a hemp-derived cannabinoid.

(c) This part does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from use of a hemp-derived cannabinoid or

relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(d) This part does not:

- (1) Limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy;
- (2) Create a cause of action against an employer for wrongful discharge or discrimination; or
- (3) Allow the possession, sale, manufacture, or distribution of any substance that is otherwise prohibited by title 39, chapter 17, part 4.

**43-27-211.**

The departments of agriculture and revenue are authorized to promulgate rules to effectuate this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 53-11-451(a), is amended by adding the following as a new subdivision:

- (8) All products containing a hemp-derived cannabinoid that are manufactured, transported, packaged, labeled, displayed, distributed as samples, offered for sale, or sold in violation of title 43, chapter 27, part 2.

SECTION 3. Tennessee Code Annotated, Section 53-11-451(b), is amended by adding the following language immediately after the first sentence in the subdivision:

Property subject to forfeiture under title 43, chapter 27, part 2, may be seized by the director of the Tennessee bureau of investigation or the director's authorized representative, agent, or employee; the commissioner of safety or the commissioner's authorized representative, agent, or employee; the commissioner of agriculture or the commissioner's authorized representative, agent, or employee; the commissioner of revenue or the commissioner's authorized representative, agent, or employee; or a sheriff, deputy sheriff, municipal law enforcement officer, campus police officer as

defined in § 49-7-118, internal affairs director or internal affairs special agent of the department of correction, or constable upon process issued by any circuit or criminal court having jurisdiction over the property.

SECTION 4. Tennessee Code Annotated, Section 53-11-451(k), is amended by deleting the language "subdivisions (a)(1) and (7)" and substituting "subdivisions (a)(1), (7), and (8)".

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 6, Part 2, is amended by adding the following as a new section:

**67-6-232.**

(a) For the exercise of the privilege of engaging in the business of selling products containing a hemp-derived cannabinoid in this state pursuant to title 43, chapter 27, part 2, there is levied an additional tax at the rate of six percent (6%) of the sales price of products containing a hemp-derived cannabinoid when sold at retail in this state.

(b) The tax levied under this section is due and payable monthly on the first day of each month, and for the purpose of ascertaining the amount of tax payable under this section, all retailers making taxable sales on or before the twentieth day of each month shall transmit to the commissioner of revenue, upon forms prescribed by the commissioner, returns showing gross sales during the preceding month.

(c) All revenue generated from the tax levied pursuant to subsection (a) must be deposited into a special account in the state general fund, with fifty percent (50%) being allocated to the department of revenue and fifty percent (50%) being allocated to the department of agriculture, to be used exclusively for the regulation of products containing a hemp-derived cannabinoid in this state.

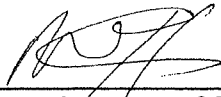
SECTION 6. For purposes of promulgating rules or forms, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:

(1) Sections 43-27-202, 43-27-203(b)-(e), 43-27-204, and SECTION 5 take effect July 1, 2023, the public welfare requiring it;

(2) For purposes of requiring the department of revenue to ensure that retailers are in compliance with applicable tax provisions, Section 43-27-205(b)(1) takes effect July 1, 2023; and

(3) All other sections take effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_



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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1349**

**House Bill No. 1444\***

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

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

( ) Notwithstanding this section to the contrary, there shall be no release eligibility for a person committing the offense of vehicular homicide, as defined in § 39-13-213, and leaving the scene of the accident, as defined in § 55-10-101(a), on or after July 1, 2023. The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be 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 a purpose other than the reduction of the sentence imposed by the court.

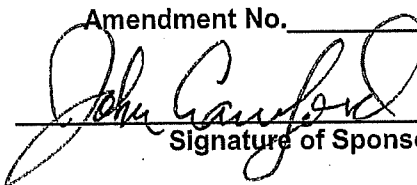


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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 195\***

**House Bill No. 472**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a), is amended by deleting subdivision (2) and substituting:

(2)

(A) Fails unreasonably to provide necessary food, water, or care for an animal in the person's custody; or

(B)

(i) Fails unreasonably to provide access to necessary shelter for an animal other than a dog in the person's custody; or

(ii)

(a) Fails unreasonably to provide access to shelter in a structure that meets the following requirements for a dog in the person's custody:

(1) The structure is waterproof; constructed of sound and substantial material sufficient to protect the dog from inclement weather; and is ventilated, insulated, and of a size appropriate to allow the dog to maintain normal body temperature;

(2) The structure has a roof and is enclosed on all sides with an entrance on one (1) side of adequate size for the dog to enter; and has dimensions that allow the dog



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while in the shelter to stand erect, sit, turn around, and lie down in a normal position;

(3) The structure provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the dog to lie on in a normal manner and can be maintained in a sanitary manner;

(4) The structure prevents pain, suffering, or a significant risk to the dog's health;

(5) From March to October, the structure is properly shaded and, from November to February, the structure provides a quantity of bedding material that is sufficient to protect the dog from cold and promote the retention of body heat; and

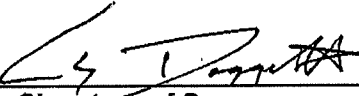
(6) The structure or structures must be of a sufficient size or number to provide shelter to each dog present at the same time.

(b) The requirements in subdivision (a)(2)(B)(ii)(a) do not apply when a dog is actively engaged in lawful hunting; police, military, or patrol work; detection work; search and rescue; herding or livestock guarding; trials and other lawful competitions; service and assistance work; other working, sporting, and competitive functions; or while actively training for such purposes and functions; and

(c) The requirements in subdivision (a)(2)(B)(ii)(a) apply to dogs primarily residing outdoors;

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 195\***

**House Bill No. 472**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-14-202(a), is amended by deleting subdivision (2) and substituting:

(2)

(A) Fails unreasonably to provide necessary food, water, or care for an animal in the person's custody; or

(B)

(i) Fails unreasonably to provide access to necessary shelter for an animal other than a dog in the person's custody; or

(ii)

(a) Unless exempted under subdivision (a)(2)(B)(ii)(b), fails unreasonably to provide access to shelter in a structure that meets the following requirements for a dog in the person's custody that resides primarily outdoors:

(1) The structure is constructed of sound and substantial material, is sufficient to protect the dog from inclement weather, and is of a size appropriate to allow the dog to maintain normal body temperature;

(2) The structure must have a roof and be enclosed on all sides with an entrance of adequate size for the dog to enter, and have dimensions that allow the dog,



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while in the shelter, to stand erect, sit, turn around, and lie down in a normal position;

(3) The structure provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner;

(4) From March through October, the structure is properly shaded, and from November through February, when necessary to protect the dog from cold and promote the retention of body heat, the shelter is fitted with a sufficient quantity of bedding material; and

(5) The structure or structures must be of a sufficient size or number to provide shelter to each dog present at the same time;

(b) The requirements in subdivision (a)(2)(B)(ii)(a) do not apply when a dog is actively engaged in lawful hunting; police, military, or patrol work; detection work; search-and-rescue; herding or livestock guarding; trials and other lawful competitions; service and assistance work; other working, sporting, and competitive functions; or while actively training for these purposes and functions;

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 406**

**House Bill No. 120\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(g), is amended by deleting the language "handgun" wherever it appears and substituting the language "firearm".

SECTION 2. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "lawfully carries a handgun pursuant to" and substituting the language "lawfully carries a firearm pursuant to".

SECTION 3. Tennessee Code Annotated, Section 39-17-1321(a), is amended by deleting "handgun" and substituting "firearm".

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

Dasha Moody \_\_\_\_\_  
Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 197\***

**House Bill No. 809**

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

SECTION 1. Tennessee Code Annotated, Section 49-1-104(a), is amended by deleting the first three sentences of the subsection and substituting instead the following:

Each LEA and public charter school shall adopt a policy that student-teacher ratios must not exceed the maximum class sizes prescribed in this section.

SECTION 2. Tennessee Code Annotated, Section 49-1-104(a), is amended by deleting the average class size column in the embedded table.

SECTION 3. Tennessee Code Annotated, Section 49-1-104(c), is amended by deleting the language "The average pupil/teach ratios" and substituting instead the language "The student-teacher ratios".

SECTION 4. Tennessee Code Annotated, Section 49-1-104, is amended by deleting subsection (e) and substituting instead the following:

(1) An LEA or public charter school shall not establish split-grade classes for the purpose of complying with this section. This subdivision (e)(1) does not prevent an LEA or public charter school from using transitional, ungraded, or unstructured classes.

(2) An LEA or public charter school shall not establish split-grade classes without the approval of the local board of education or the public charter school governing body.

(3) The maximum class size for a split-grade class approved by the local board of education or public charter school governing body is the maximum class size for the lowest grade level represented by the students enrolled in the class.



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SECTION 5. Tennessee Code Annotated, Section 49-1-104, is amended by deleting subsections (g) and (i), and by deleting subsection (f) and substituting instead the following:

(f) Upon the request of an LEA or public charter school, the commissioner of education may grant a waiver from the maximum class sizes established in this section. The commissioner shall approve or deny an LEA's or public charter school's request for a waiver no later than five (5) business days after the commissioner receives the LEA's or public charter school's request. If the commissioner does not approve or deny an LEA's or public charter school's request for a waiver no later than five (5) business days after the commissioner receives the request, then the LEA's or public charter school's request for a waiver is deemed approved for the respective school year.

SECTION 6. Tennessee Code Annotated, Section 49-2-128(a), is amended by deleting the language "class size averages" and substituting instead "maximum class sizes".

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.

Amendment No. Debra Moody

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1208**

**House Bill No. 1261\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-10-1405(a)(5), is amended by deleting the subdivision and substituting:

Develop and implement a process to notify parents of their child's potential eligibility to participate in the program and notify the education committee of the senate and the education administration committee of the house of representatives on the process that the department develops pursuant to this subdivision (a)(5);

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

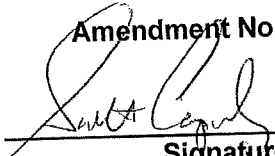


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**AMEND Senate Bill No. 599**

**House Bill No. 481\***

by deleting Section 3 and redesignating the subsequent section accordingly.

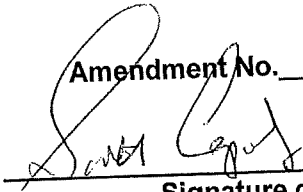


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**AMEND Senate Bill No. 712**

**House Bill No. 670\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following as a new section:

A student must not be promoted to the second grade unless the student:

- (1) Is eight (8) years of age or older on or before August 15; or
- (2) Scores in the fiftieth percentile on the most recently administered

Tennessee universal reading screener provided by the department of education  
or on a universal reading screener approved by the state board of education.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.



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*Tony Thompson*

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 967**

**House Bill No. 662\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-207, is amended by deleting subsection (d) and substituting:

(d) An LEA shall maintain:

(1) Added or amended policies on file and make the policies available to review in each school library operated by the LEA;

(2) Notice of deleted policies on file and make the notice of deleted policies available to review in each school library operated by the LEA and at the LEA's central office; and

(3) An archive of all deleted policies.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 967**

**House Bill No. 662\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-207, is amended by deleting subsection (d) and substituting:

(d) An LEA shall maintain:

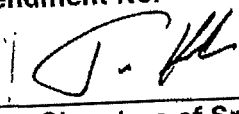
(1) Added or amended policies on file and make the policies available in each school library operated by the LEA; and

(2) Notice of deleted policies on file and make such notice available in each school library operated by the LEA or at the LEA's central office.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 967**

**House Bill No. 662\***

by adding the following as a new section immediately before the last section and redesignating the subsequent section accordingly:

SECTION \_\_. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following as a new section:

Notwithstanding another law to the contrary, if a person holds an active industry license or credential relevant to a career and technical education course as determined by the department of education, then the person may provide instruction to students in the career and technical education course as long as the instruction provided by the person is supervised by a licensed teacher who serves as the teacher of record for the course.



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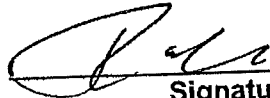
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*Tony Thompson*

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 966**

**House Bill No. 663\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803(b), is amended by deleting subdivision (2) and substituting:

(2) A procedure for the LEA or public charter school to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3803(c), is amended by deleting the subsection and substituting:

(c) If an LEA or public charter school receives feedback on material in accordance with the procedure established pursuant to subdivision (b)(2) and the LEA or public charter school does not reach a resolution on the material with the person who provided feedback on the material, then the local board of education or the public charter school governing body shall evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who may access the materials, and to determine whether the material is suitable for, and consistent with, the educational mission of the school.

SECTION 3. Tennessee Code Annotated, Section 49-6-3803(d), is amended by deleting the subsection and substituting:

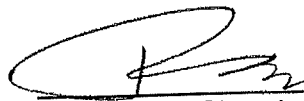
(d) If the LEA or public charter school determines that material contained in the school's library collection is not appropriate for the age and maturity levels of the



students who may access the materials, or is not suitable for, or consistent with, the educational mission of the school, then the school shall remove the material from the library collection.

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

Amendment No. \_\_\_\_\_

  
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**AMEND Senate Bill No. 966**

**House Bill No. 663\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803(b), is amended by deleting subdivision (2) and substituting:

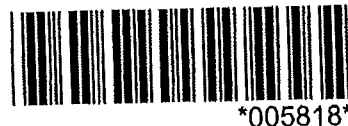
(2) A procedure for the LEA or public charter school to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3803(c), is amended by deleting the subsection and substituting:

(c) If an LEA or public charter school receives feedback on material in accordance with the procedure established pursuant to subdivision (b)(2) and the LEA or public charter school does not reach a resolution on the material with the person who provided feedback on the material, then the local board of education or the public charter school governing body shall evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who may access the materials, and to determine whether the material is suitable for, and consistent with, the educational mission of the school.

SECTION 3. Tennessee Code Annotated, Section 49-6-3803(d), is amended by deleting the subsection and substituting:

(d) If the LEA or public charter school, including the local board of education or public charter school governing body, determines that material contained in the school's

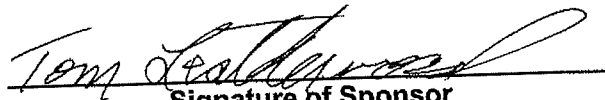




library collection is not appropriate for the age and maturity levels of the students who may access the materials, or is not suitable for, or consistent with, the educational mission of the school, then the school shall remove the material from the library collection.

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

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 1071**

**House Bill No. 629\***

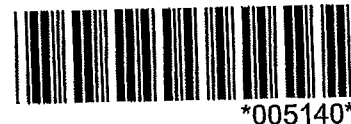
by deleting all language after the enacting clause and substituting:

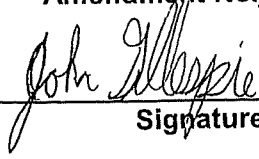
**SECTION 1.**

(a) The office of research and education accountability (OREA) in the office of the comptroller of the treasury shall conduct a statewide and nationwide study of high schools identified for support and improvement based solely on the federal Elementary and Secondary Education Act's cohort graduation rate requirement to determine if high schools graduating less than sixty-seven percent (67%) of the school's students have correspondingly high dropout rates attributable to issues beyond the control of the local education agency or school, and if the high school cohort graduation requirement has a disproportionate impact among urban school districts.

(b) OREA shall compile a report of the study conducted pursuant to subsection (a) that discloses the findings of the study and submit the report to the general assembly no later than December 31, 2023.

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



Amendment No. \_\_\_\_\_  
  
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**AMEND Senate Bill No. 1069**

**House Bill No. 826\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3402(c)(1)(C), is amended by deleting subdivision (i) and substituting instead the following:

(i) Notwithstanding subdivision (c)(1)(A), a director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (10) days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if:

(a) The alternative school or alternative program is located on the same grounds as the regular school program from which the student was suspended or expelled; or

(b) The director of schools, or the director's designee, determines that assigning the student to the alternative school or alternative program may endanger the safety of the students or staff of the alternative school or alternative program.

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



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Amendment No. \_\_\_\_\_

*Ron M. Sant*

Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1419**

**House Bill No. 1130\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3102(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) The board of education of an LEA, with respect to the schools under its jurisdiction, is authorized and required to provide for the enrollment of students who are residents of this state; provided, that there is space available. This subdivision (a)(1) does not require a student to enroll in an LEA in which the student does not reside.

SECTION 2. Tennessee Code Annotated, Section 49-6-3102, is amended by deleting subsection (b) and substituting instead the following:

(b) Except as otherwise provided in this part, part 32 of this chapter, and in the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.), a student's parent or legal guardian may appeal a decision denying the student enrollment in a public school to the LEA in which the student's enrollment was denied. The state board of education shall promulgate rules to establish the appeal process. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102, is amended by deleting subsection (d).

SECTION 4. Tennessee Code Annotated, Section 49-6-3103, is amended by deleting the section and substituting instead the following:



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In determining the public school to which students must be assigned, the board of education shall consider and base its decision on one (1) or more of the following:

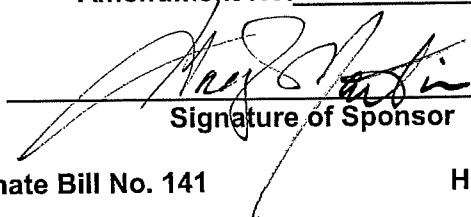
- (1) Available room and teaching capacity in the various schools;
- (2) The choice and interests of the student; and
- (3) The request or consent of the student's parent or legal guardian.

SECTION 5. Tennessee Code Annotated, Section 49-6-3109, is amended by deleting subsection (a) and substituting instead the following:

(a) A student who is a resident of this state shall not be refused admission into, or be excluded from, a public school in this state on account of the student's race, creed, color, sex, national origin, or residential address.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 141**

**House Bill No. 127\***

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

SECTION 1. Tennessee Code Annotated, Section 49-10-1305(c), is amended by deleting the subsection and substituting:

(c)

(1) The use of a mechanical restraint on a student receiving special education services, as defined in § 49-10-102, is prohibited.

(2) Notwithstanding subdivision (c)(1), a school security officer who is trained and certified for completing a behavior intervention training program may use a mechanical restraint on a student receiving special education services in any of the grades five through twelve (5-12) in an emergency situation. An LEA, school, or school security officer is not civilly liable for acting in accordance with this subdivision (c)(2); provided, however, that a school security officer may be held civilly liable for reckless conduct that results in injury to a student.

(3) If a mechanical restraint is used on a student pursuant to subdivision (c)(2), then the student's LEA or public charter school shall:

(A) Contact the student's parent or legal guardian within one (1) hour of the school security officer's use of a mechanical restraint to inform the student's parent or legal guardian of:

(i) The nature of the emergency situation necessitating the use of the mechanical restraint;



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(ii) The school personnel present at the time the mechanical restraint was used; and

(iii) The evidence-based interventions attempted prior to use of the mechanical restraint;

(B) Provide written documentation to the student's parent or legal guardian within two (2) days of the school security officer's use of a mechanical restraint that contains each item of information identified in subdivision (c)(3)(A)(i)-(iii); and

(C)

(i) Report the school security officer's use of a mechanical restraint pursuant to subdivision (c)(2) to the department of education within two (2) days of the school security officer's use of the mechanical restraint;

(ii) The report must contain each item of information identified in subdivision (c)(3)(A)(i)-(iii); and

(iii) Disclosure under this subdivision (c)(3)(C) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

(4) The department shall review each report submitted to the department pursuant to subdivision (c)(3)(C) to determine whether a school security officer's use of a mechanical restraint was reasonable and done in compliance with this subsection (c). The department shall retain each report submitted to the department pursuant to subdivision (c)(3)(C) for no less than ten (10) years.

(5) The state board of education, in consultation with the department, shall promulgate rules on the use of a mechanical restraint pursuant to

subdivision (c)(1). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(6) As used in this subsection (c):

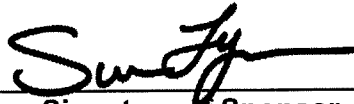
(A) "Behavior intervention training program" means a behavior intervention training program, as defined in § 49-10-1303, selected by the respective local board of education or public charter school governing body and approved by the department of education; and

(B) "School security officer" means an individual who is employed exclusively by the LEA for the purposes outlined in § 49-6-4206(a) and who has successfully completed the training required for school resource officers outlined in § 49-6-4217.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1060**

**House Bill No. 843\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803, is amended by deleting the section and substituting:

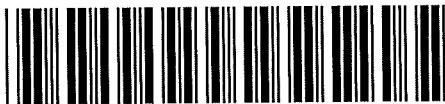
(a) Materials in a library collection must be suitable for the age and maturity levels of the students who may access the materials and must be suitable for, and consistent with, the educational mission of the school.

(b) For purposes of this section, a material that:

(1) In whole or in part contains nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection; or

(2) Is patently offensive, as defined in § 39-17-901, or appeals to the prurient interest, as defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection.

(c) Each school operated by an LEA and each public charter school shall maintain a current list of the materials in the school's library collection. The list must be posted on the school's website.



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(d) Each local board of education and public charter school governing body shall adopt a policy for developing and reviewing school library collections. The policy must include:

(1) A procedure for the development of a library collection at each school that is appropriate for the age and maturity levels of the students who may access the materials, and that is suitable for, and consistent with, the educational mission of the school;

(2) A procedure for the local board of education or public charter school governing body to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school;

(3) A procedure to temporarily remove a material for which feedback is provided according to the procedure established pursuant to subdivision (d)(2) until the local board of education or public charter school governing body determines that the material is appropriate for the age and maturity level of the students who may access the material, and that the material is suitable for, and consistent with, the educational mission of the school; and

(4) A procedure to periodically review the library collection at each school to ensure that the school's library collection contains materials appropriate for the age and maturity levels of the students who may access the materials, and that are suitable for, and consistent with, the educational mission of the school.

(e) If a local board of education or public charter school governing body receives feedback according to the procedure established pursuant to subdivision (d)(2), then the local board of education or public charter school shall evaluate and determine, within ninety (90) days from the date on which the feedback was received, whether the material is appropriate for the age and maturity levels of the students who may access the

materials, and whether the material is suitable for, and consistent with, the educational mission of the school.

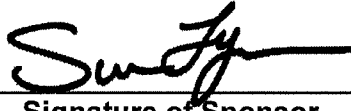
(f) If the local board of education or public charter school governing body determines that material contained in the school's library collection is appropriate for the age and maturity levels of the students who may access the materials, and is suitable for, and consistent with, the educational mission of the school, then the material must be returned to each library collection from which the material was removed pursuant to subdivision (d)(3).

(g) The procedures adopted pursuant to this section are not the exclusive means to remove material from a school's library collection, and do not preclude an LEA, a school operated by an LEA, a public charter school, or the governing body of a public charter school from developing or implementing other policies, practices, or procedures for the removal of materials from a library collection.

(h) A local board of education's or public charter school governing body's determination made on whether a material is appropriate for the age and maturity levels of the students who may access the material, and whether the material is suitable for, and consistent with, the educational mission of the school, does not establish a contemporary community standard for purposes of title 39, chapter 17, part 9.

SECTION 2. This act takes effect July 1, 2023, 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. 1060**

**House Bill No. 843\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803, is amended by deleting the section and substituting:

(a) Materials in a library collection must be suitable for the age and maturity levels of the students who may access the materials and must be suitable for, and consistent with, the educational mission of the school.

(b) For purposes of this section, a material that:

(1) In whole or in part contains nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection; or

(2) Is patently offensive, as defined in § 39-17-901, or appeals to the prurient interest, as defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection.

(c) Each school operated by an LEA and each public charter school shall maintain a current list of the materials in the school's library collection. The list must be posted on the school's website.



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(d) Each local board of education and public charter school governing body shall adopt a policy for developing and reviewing school library collections. The policy must include:

(1) A procedure for the development of a library collection at each school that is appropriate for the age and maturity levels of the students who may access the materials, and that is suitable for, and consistent with, the educational mission of the school;

(2) A procedure for the local board of education or public charter school governing body to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school;

(3) A procedure to temporarily remove a material for which feedback is provided according to the procedure established pursuant to subdivision (d)(2) until the local board of education or public charter school governing body determines that the material is appropriate for the age and maturity level of the students who may access the material, and that the material is suitable for, and consistent with, the educational mission of the school; and

(4) A procedure to periodically review the library collection at each school to ensure that the school's library collection contains materials appropriate for the age and maturity levels of the students who may access the materials, and that are suitable for, and consistent with, the educational mission of the school.

(e) If a local board of education or public charter school governing body receives feedback according to the procedure established pursuant to subdivision (d)(2), then the local board of education or public charter school shall evaluate and determine, within sixty (60) days from the date on which the feedback was received, whether the material is appropriate for the age and maturity levels of the students who may access the

materials, and whether the material is suitable for, and consistent with, the educational mission of the school.

(f) If the local board of education or public charter school governing body determines that material contained in the school's library collection is appropriate for the age and maturity levels of the students who may access the materials, and is suitable for, and consistent with, the educational mission of the school, then the material must be returned to each library collection from which the material was removed pursuant to subdivision (d)(3).

(g) The procedures adopted pursuant to this section are not the exclusive means to remove material from a school's library collection, and do not preclude an LEA, a school operated by an LEA, a public charter school, or the governing body of a public charter school from developing or implementing other policies, practices, or procedures for the removal of materials from a library collection.

(h) A local board of education's or public charter school governing body's determination made on whether a material is appropriate for the age and maturity levels of the students who may access the material, and whether the material is suitable for, and consistent with, the educational mission of the school, does not establish a contemporary community standard for purposes of title 39, chapter 17, part 9.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_



Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1060**

**House Bill No. 843\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3803, is amended by deleting the section and substituting:

(a) Materials in a library collection must be suitable for the age and maturity levels of the students who may access the materials and must be suitable for, and consistent with, the educational mission of the school.

(b) For purposes of this section, a material that:

(1) In whole or in part contains nudity, or descriptions or depictions of sexual excitement, sexual conduct, excess violence, or sadomasochistic abuse, as those terms are defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection; or

(2) Is patently offensive, as defined in § 39-17-901, or appeals to the prurient interest, as defined in § 39-17-901, is not appropriate for the age or maturity level of a student in any of the grades kindergarten through twelve (K-12) and must not be maintained in a school's library collection.

(c) Each school operated by an LEA and each public charter school shall maintain a current list of the materials in the school's library collection. The list must be posted on the school's website.



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(d) Each local board of education and public charter school governing body shall adopt a policy for developing and reviewing school library collections. The policy must include:

(1) A procedure for the development of a library collection at each school that is appropriate for the age and maturity level of the students who may access the materials, and that is suitable for, and consistent with, the educational mission of the school;

(2) A procedure for the local board of education or public charter school governing body to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one (1) or more of the materials in the library collection of the student's or employee's school; and

(3) A procedure to periodically review the library collection at each school to ensure that the school's library collection contains materials appropriate for the age and maturity level of the students who may access the materials, and that are suitable for, and consistent with, the educational mission of the school.

(e) If a local board of education or public charter school governing body receives feedback according to the procedure established pursuant to subdivision (d)(2), then the local board of education or public charter school governing body shall evaluate and determine, within sixty (60) days from the date on which the feedback was received, whether the material is appropriate for the age and maturity level of the students who may access the materials, and whether the material is suitable for, and consistent with, the educational mission of the school. If a local board of education or public charter school governing body does not make a determination within sixty (60) days from the date on which the feedback was received, then the student, student's parent or guardian, or school employee who submitted feedback on the material may request the state textbook and instructional materials quality commission to evaluate the material, pursuant to § 49-6-2201(m)(1)(D).



(f) If the local board of education or public charter school governing body determines that material contained in the school's library collection is not appropriate for the age and maturity level of the students who may access the materials, or is not suitable for, and consistent with, the educational mission of the school, then the material must be removed from the library collection.

(g) The procedures adopted pursuant to this section are not the exclusive means to remove material from a school's library collection, and do not preclude an LEA, a school operated by an LEA, a public charter school, or the governing body of a public charter school from developing or implementing other policies, practices, or procedures for the removal of materials from a library collection.

(h) A local board of education's or public charter school governing body's determination made on whether a material is appropriate for the age and maturity level of the students who may access the material, and whether the material is suitable for, and consistent with, the educational mission of the school, does not establish a contemporary community standard for purposes of title 39, chapter 17, part 9.

SECTION 2. Tennessee Code Annotated, Section 49-6-2201(m)(1), is amended by adding the following as a new subdivision:

(D) Evaluate and determine whether a material in a school's library collection is appropriate for the age and maturity level of the students who may access the materials, and whether the material is suitable for, and consistent with, the educational mission of the school if the local board of education or public charter school governing body does not make a determination on a material for which it received feedback within sixty (60) days from the date on which the feedback was received, pursuant to § 49-6-3803(e), and the student, student's parent or guardian, or school employee who submitted the feedback requests the commission to evaluate the material. The commission shall issue the commission's determination in writing to each LEA and public charter school. Each LEA and public charter school shall include, or remove, the challenged material in, or

from, the library collection for each of the LEA's schools, or for the public charter school, as applicable, for the grade levels for which the commission has found the challenged material to be appropriate or inappropriate for students.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 1400**

**House Bill No. 1174\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, chapter 6, Part 8, is amended by adding the following as a new section:

(a) As used in this section "school resource officer" has the same meaning as defined in § 49-6-4202.

(b) Each LEA shall assign at least one (1) full-time school resource officer at each school in the LEA to serve during the regular school day and during school-sponsored events held at the school.

SECTION 2. Tennessee Code Annotated, Section 49-6-4302, is amended by adding the following as a new subsection:

( )

(1) As used in this subsection ( ), "school resource officer" or "SRO" has the same meaning as school resource officer as defined in § 49-6-4202.

(2) The Tennessee school safety center shall award SRO grants to LEAs in order for each LEA to have at least one (1) full-time SRO assigned to each school in the LEA.

(3) SRO grants are supplemental to any state education funding allocated to an LEA in accordance with the Tennessee investment in student achievement formula (TISA).



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(4) An LEA that receives an SRO grant under this subsection ( ) is not impaired, inhibited, or prevented from receiving other grant funds that may be available pursuant to § 38-8-115, or any other law or program.

(5)

(A) The awarding of SRO grants in any fiscal year is subject to the availability of funds specifically appropriated to the Tennessee school safety center for such purpose by the general assembly.

(B) The center shall only expend funds appropriated to the center for SRO grants as authorized in this subsection ( ).

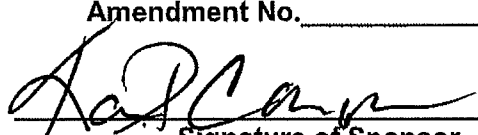
(C) SRO grants must reimburse an eligible LEA in the amount of thirty thousand dollars (\$30,000) for each school in the LEA that employs at least one (1) full-time school resource officer.

(D) SRO grants must be awarded until each LEA receives one (1) SRO grant for each school in the LEA in the amount of thirty thousand dollars (\$30,000) or until all moneys in the SRO grant fund have been exhausted, whichever occurs first.

(E) Amounts appropriated to the center for SRO grants that remain unexpended at the end of each fiscal year must be carried forward until expended in accordance with this subsection ( ).

(6) An LEA applying for an SRO grant must submit an application, in a form prescribed by the director of the Tennessee school safety center, along with any supporting documentation required by the director, by July 15 immediately following the close of the school year for which an SRO grant is sought. An LEA that fails to submit an application by the July 15 deadline is not eligible to receive an SRO grant. By September 15 immediately following the July 15 deadline, the director shall notify the LEA of the amount of any SRO grant available to the LEA.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 1268**

**House Bill No. 1324\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subsection (c) and substituting:

(c)

(1) Notwithstanding title 8, chapter 44, part 1, a local board of education may conduct a scheduled board meeting by electronic means including, but not limited to, telephone, videoconferencing, or other web-based media pursuant to this subsection (c).

(2) A board meeting shall not be conducted with electronic participation unless a quorum of members is physically present at the location of the meeting.

(3) A board member may only participate electronically in a scheduled board meeting pursuant to this subsection (c) if:

(A) The member participating by electronic means can be visually identified by the chair; and

(B)

(i) The member is out of the county due to work;

(ii) The member is physically ill;

(iii) The member has a disability that inhibits the member from attending the board meeting in person;

(iv) The member has a family emergency that inhibits the member from attending the board meeting in person; or



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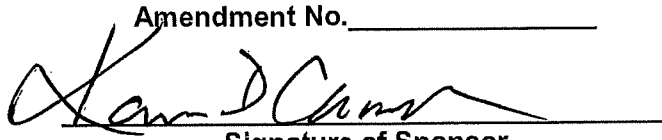
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(v) The member is out of the county due to military service.

(4) A board member wishing to participate in a scheduled board meeting electronically who is or will be out of the county because of work shall give at least five (5) days' notice prior to the scheduled board meeting of the member's intention to participate electronically.

(5) The local board of education shall develop a policy for conducting electronic meetings pursuant to this subsection (c).

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

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 1268**

**House Bill No. 1324\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subsection (c) and substituting:

(c)

(1) Notwithstanding title 8, chapter 44, part 1, a local board of education may conduct a scheduled board meeting by electronic means, including, but not limited to, telephone, videoconferencing, or other web-based media pursuant to this subsection (c).

(2) A board meeting shall not be conducted with electronic participation unless a quorum of members is physically present at the location of the meeting.

(3) A board member may only participate electronically in a scheduled board meeting pursuant to this subsection (c) if:

(A) The member participating by electronic means can be visually identified by the chair; and

(B)

(i) The member is out of the county due to work; provided, that the member participates electronically for such reason no more than two (2) times per year;

(ii) The member is sick or in a period of convalescence on the advice of a healthcare professional that the member not



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appear in person; provided, that the member participates electronically for such reason no more than six (6) times per year;

(iii) The member is out due to inclement weather or natural disaster if the schools in the LEA are closed; provided, that the member participates electronically for such reason no more than six (6) times per year;

(iv) The member has a family emergency that inhibits the member from attending the board meeting in person; provided, that the member participates electronically for such reason no more than two (2) times per year; or

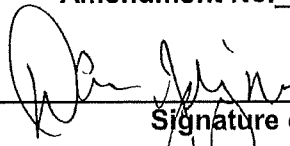
(v) The member is out of the county due to military service.

(4) A board member wishing to participate in a scheduled board meeting electronically who is or will be out of the county because of work shall give at least five (5) days' notice prior to the scheduled board meeting of the member's intention to participate electronically.

(5) The local board of education shall develop a policy for conducting electronic meetings pursuant to this subsection (c).

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

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Time \_\_\_\_\_  
Clerk \_\_\_\_\_  
Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1078**

**House Bill No. 1040\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3802, is amended by deleting the section and substituting instead the following:

As used in this part, unless the context otherwise requires:

(1) "Classroom library" means materials donated to, purchased by, or acquired by an individual teacher, which are made available in the teacher's classroom to students assigned to the teacher's class or classes;

(2) "Library collection" means the materials made available to students by a school operated by an LEA or by a public charter school, but does not include materials made available to students as part of a course curriculum or materials made available to students as part of a classroom library; and

(3) "Materials" means books, periodicals, newspapers, manuscripts, films, prints, documents, microfilm, discs, cassettes, videotapes, video games, applications, and subscription content in any form.

SECTION 2. Tennessee Code Annotated, Section 49-6-3803(b), is amended by deleting the first sentence of the subsection and substituting instead the following:

Each local board of education and public charter school governing body shall adopt a policy for developing and reviewing school library collections and for classroom libraries.

SECTION 3. Tennessee Code Annotated, Section 49-6-3803(b), is amended by adding the following as new subdivisions:



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( ) A procedure for teachers, or for parents and legal guardians of students with access to a classroom library, to review and refer materials in a teacher's classroom library for review and evaluation consistent with this section;

( ) A procedure to ensure that parents and legal guardians of students with access to a classroom library have multiple opportunities throughout the school year to view the books in their student's classroom libraries; and

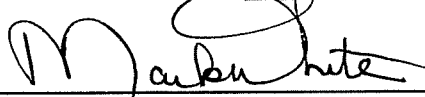
( ) A provision prohibiting teachers from knowingly or intentionally circumventing the LEA's or public charter school's library collection policy through the teacher's classroom library, such as including materials in the teacher's classroom library that have been found by the local board of education or public charter school governing body to be inappropriate for the age and maturity levels of the students who may access the materials, or that have been found by the local board or governing body to be unsuitable for, or inconsistent with, the educational mission of the school.

SECTION 4. Tennessee Code Annotated, Section 49-6-3803(d), is amended by adding the language "or in a classroom library" after the language "in the school's library collection" and by adding the language "or classroom library" after the language "from the library collection".

SECTION 5. Tennessee Code Annotated, Section 49-6-3803(e), is amended by adding the language "or a classroom library" after the language "a school's library collection" and by adding the language "or classroom library" after the language "a library collection".

SECTION 6. This act takes 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. 199\***

**House Bill No. 439**

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

SECTION 1. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (14) and adding the following as new subdivisions:

(14) "Underutilized property":

(A) Means a building or a portion thereof, with or without improvements, that is being operated by an LEA at less than fifty-five percent (55%) capacity or in which more than fifty percent (50%) of the building is not being used to provide direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, including, but not limited to, spaces suitable for classroom use that are being used for storage of any kind; and

(B) Does not include real property on which a building or permanent structure has not been erected or vacant property; and

(15) "Vacant property":

(A) Means a building, with or without improvements, that is closed or that is not being used to provide direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, including, but not limited to, spaces suitable for classroom use that are being used for storage of any kind; and

(B) Does not include real property on which a building or permanent structure has not been erected.



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SECTION 2. Tennessee Code Annotated, Section 49-13-136, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c)

(1) By May 1, 2024, and each May 1 thereafter, an LEA in which one (1) or more public charter schools operate shall publish the following information on the LEA's website for each building owned or operated by the LEA, including buildings that are currently being used by a public charter school:

(A) The address or location of the building and the total square footage of, and the number of classrooms in, the building;

(B) The portion of the total square footage of the building that is being used to provide direct instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof;

(C) The enrollment capacity of the building and the number of students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, receiving academic instruction in the building; and

(D) If a building is not being used to provide direct academic instruction for students in pre-kindergarten through grade twelve (pre-K-12), or any combination thereof, then the manner in which the building is being used, including whether the building is vacant or is being used for administration, storage, or professional development.

(2) An LEA in which one (1) or more public charter schools operate shall submit a comprehensive list of its underutilized property or vacant property to the department of education and the comptroller of the treasury. The department shall make an LEA's list available to a public charter school operating in the LEA or to a sponsor seeking to establish a public charter school in the LEA.

(3) A public charter school may petition the comptroller of the treasury for an audit of an LEA's list of its underutilized property or vacant property if the

public charter school is, or plans to be, located within the geographic boundaries of the LEA. The comptroller is authorized to promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of this subdivision (c)(3).

(4) A public charter school operating within the geographic boundaries of an LEA, excluding public charter schools in the achievement school district, has a right of first refusal to:

(A) Purchase vacant property listed by the LEA pursuant to this subsection (c) at or below fair market value for educational purposes; or

(B) Lease underutilized property or vacant property listed by the LEA pursuant to this subsection (c) at a rate not to exceed eight hundred dollars (\$800) for each student the public charter school will serve in the building per year. A lease agreement executed between a public charter school and an LEA shall not reflect any outstanding bonded debt on the underutilized property or vacant property, except as agreed upon to reflect any necessary costs associated with the occupation or remodeling of the leased property.

(5)

(A) Upon the execution of a lease agreement, a public charter school has unrestricted use of the leased property. The public charter school shall provide for routine maintenance and repair so that the leased property is maintained in as good of order as when the lease was first executed. The public charter school is responsible for paying all utilities used by the public charter school at the leased property. Extensive repairs to buildings or facilities considered capital expenses are the responsibility of the LEA's funding body and not the public charter school. If the public charter school makes extensive repairs to buildings or

facilities considered capital expenses, then the capital expenses must be credited against the cost of the lease. Any fixtures, improvements, or tangible assets added to the leased property by the public charter school must remain at the leased property upon the public charter school's return of the leased property to the LEA.

(B) If the LEA decides to sell a building that a public charter school is leasing, then the public charter school must be provided the right of first refusal to purchase the building at or below fair market value for educational purposes, less the value of all rental payments made by the public charter school to the LEA during the term of the lease.

(C) If, during the term of the lease, the public charter school closes or ceases use of the building, then the building must be placed on the LEA's list of underutilized property or vacant property.

(6) For purposes of this subsection (c), "fair market value for educational purposes" is determined by taking the average of two (2) separate appraisals conducted by two (2) independent, qualified appraisers, one (1) selected by the LEA and one (1) selected by the public charter school.

(d) The state board of education is authorized to promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of this section.

SECTION 3. Tennessee Code Annotated, Section 49-13-136, is amended by adding the following as a new subsection:

(g) The property tax exemptions in §§ 67-5-203 and 67-5-212 apply to public charter school property, including any facility, or portion thereof, used to house a public charter school.

SECTION 4. Tennessee Code Annotated, Section 49-13-136, is amended by deleting the language "underutilized or vacant properties" wherever it appears in subsections (d) and (e) and substituting instead the language "underutilized property or vacant property".

SECTION 5. Tennessee Code Annotated, Section 49-13-144(a), is amended by deleting the language "underutilized or vacant property" and substituting instead the language "underutilized property or vacant property".

SECTION 6. This act takes effect July 1, 2023, at 12:01 a.m., the public welfare requiring it.



Amendment No. \_\_\_\_\_

*Mohamud*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 750**

**House Bill No. 785\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-49-104(e), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) For fiscal year 2023-2024:

(i) Sixty percent (60%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k); and

(ii) Twenty percent (20%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

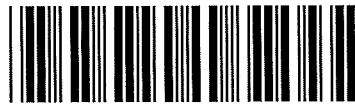
(B) For fiscal year 2024-2025:

(i) Seventy percent (70%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k); and



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(ii) Ten percent (10%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

(C) For fiscal year 2025-2026 and each fiscal year thereafter, eighty percent (80%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the promising futures account administered by the department of human services to provide funding for the promising futures program established in § 49-1-1111(k).

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 11, is amended by adding the following as a new section:

**49-1-1111. Scholarship program for children to participate in high-quality early care and learning programs.**

(a) As used in this section, "high-quality early care and learning program" means:

(1) A child care agency, licensed by the department of human services pursuant to title 71, chapter 3, part 5, that meets the high-quality qualifications as determined by the department of education pursuant to subsection (c); and

(2) A public or private school that provides early care and learning programs that meet the high-quality qualifications determined by the department of education pursuant to subsection (c).

(b) The department of human services, in consultation with the department of education, shall create and, by July 1, 2024, implement the promising futures program to provide scholarships to assist parents and legal guardians of children who are not school age to develop early language and literacy skills in high-quality early care and learning programs.

(c) The state board of education, in consultation with the department of education, shall promulgate rules to establish the qualifications for a high-quality early

care and learning program that include, but are not limited to, qualifications for high-quality teachers and assistant teachers, high-quality instruction, and high-quality environments. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) To be eligible to receive a promising futures scholarship, a parent's or legal guardian's child must:

(1) Be no less than six (6) weeks of age and not eligible to attend a public school pursuant to § 49-6-3001;

(2)

(A) Be a member of a household with an annual income for the previous year that does not exceed the state median income;

(B) Reside with a foster parent as defined in § 37-2-414 or an adoptive parent as defined in § 36-1-102;

(C) Be a homeless child or youth as defined in § 49-50-1701; or

(D) Be a child in custody of the department of children's services;

(3)

(A) Reside with a parent or legal guardian who has primary responsibility for care and control of the child and who is employed and works more than thirty (30) hours per week or is enrolled in and attending an eligible postsecondary education program; or

(B) Reside in a household with two (2) parents or legal guardians who are each either employed and work more than thirty (30) hours per week or are enrolled in and attending an eligible postsecondary education program;

(4) Be accepted to a high-quality early care and learning program; and

(5) Be a citizen of this state.

(e) For purposes of creating and implementing the promising futures program, the department of human services shall utilize its existing infrastructure and systems to

(1) Review and approve or deny promising futures scholarship applications;

(2) Determine a child's eligibility to receive a scholarship in accordance with subsection (d);

(3) Verify income for purposes of subdivision (d)(2)(A);

(4) Pay scholarship funds directly to the high-quality early care and learning program in which the child who received the scholarship is enrolled;

(5) Implement a sliding fee scale for parent co-payments;

(6) Implement a waitlist process if the department receives more applications for children who meet the eligibility requirements in subsection (d) than the amount of scholarships for which funding is available in the promising futures account;

(7) Ensure that each child who receives a scholarship continues to meet the requirements in subsection (d);

(8) Establish the number of days a child who receives a scholarship must attend a high-quality early care and learning program;

(9) Ensure that each child who receives a scholarship attends a high-quality early care and learning program for the number of days established pursuant to subdivision (e)(8);

(10) Receive and process applications from high-quality early care and learning programs seeking to participate in the promising futures scholarship program;

(11) Require a high-quality early care and learning program that participates in the promising futures scholarship program to sign assurances that

the high-quality early care and learning program agrees to adhere to the rules promulgated by the department of education pursuant to subsection (c); and

(12) Implement, with training and guidance from the department of education, a process to ensure high-quality early care and learning programs participating in the promising futures scholarship program are adhering to the rules promulgated by the state board of education pursuant to subsection (c).

(f) The amount of a promising futures scholarship is determined annually by mutual agreement between the departments of education and human services; provided, that:

(1) In the first year of the promising futures program the amount of a promising futures scholarship shall not exceed four thousand five hundred dollars (\$4,500) per child; and

(2) The promising futures scholarship amount shall not exceed the cost of tuition and mandatory fees charged by the high-quality early care and learning program, less any other available financial aid or parent co-pay, which must be credited first to the child's tuition and mandatory fees.

(g)

(1) There is created a task force composed of:

(A) One (1) staff member of the department of human services who is appointed by the commissioner;

(B) One (1) member who is appointed by the commissioner of human services;

(C) One (1) staff member of the department of education who is appointed by the commissioner; and

(D) One (1) member who is appointed by the commissioner of education.

(2) The task force shall:

(A) Create marketing and enrollment goals for the promising futures program;

(B) Create a vision for a user-friendly, web-based "finder" tool to help parents find available high-quality early care and learning program options;

(C) Create a request for proposal for the marketing and outreach functions, including the user-friendly, web-based "finder" tool;

(D) Select vendors to achieve the marketing and enrollment goals created by the task force pursuant to subdivision (g)(2)(A); and

(E) Evaluate the progress of the vendors selected pursuant to subdivision (g)(2)(D) at least quarterly.

(3) The task force members' terms begin on July 1, 2023, and expire on June 30, 2025.

(h) The department of human services may suspend or terminate a parent's or legal guardian's participation in the promising futures program if the department determines that the child's parent or legal guardian failed to comply with this section.

(i) If a high-quality early care and learning program knowingly uses promising futures scholarship funds with the intent to defraud the promising futures program, then the department of human services or the department of education may refer the matter to the appropriate enforcement authority for criminal prosecution.

(j) A promising futures scholarship fund:

(1) Constitutes a scholarship provided for early care and learning for a child; and

(2) Does not constitute income of a parent or legal guardian of a child under title 67, chapter 2 or any other state law.

(k) There is created within the state treasury a "promising futures account."

Amounts remaining in the account at the end of each fiscal year must not revert to the

general fund. Money in the account must be invested by the state treasurer pursuant to title 9, chapter 4, part 6 for the sole benefit of the account. All earning attributable to such investments must be credited to the promising futures account.

(l) The department of human services and the department of education may use funds in the promising futures account for expenses incurred by the department due to the promising futures program's administration, marketing expenses, and evaluation; provided, that the expenses shall not exceed:

(1) Two and one-half percent (2.5%) of the total amount appropriated for the promising futures program in the 2023-2024 fiscal year for the department of human services;

(2) Two and one-half percent (2.5%) of the total amount appropriated for the promising futures program in the 2023-2024 fiscal year for the department of education;

(3) One and one-half percent (1.5%) of the total amount appropriated for the promising futures program in a fiscal year after the 2023-2024 fiscal year for the department of human services; or

(4) One and one-half percent (1.5%) of the total amount appropriated for the promising futures program in a fiscal year after the 2023-2024 fiscal year for the department of education.

(m) The department of human services, in consultation with the department of education, may promulgate rules necessary to effectuate the purposes this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 4. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

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



Amendment No. \_\_\_\_\_

*Mohamud*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 533\***

**House Bill No. 1151**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-50-907(h), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (n)".

SECTION 2. Tennessee Code Annotated, Section 8-50-907, is amended by adding the following as a new subsection:

(n) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 3. Tennessee Code Annotated, Section 8-50-925(d)(1)(D), is amended by deleting the language "illness of any member of the individual's family" and substituting instead the language "illness of a member of the individual's family except as provided in subsection (h)".

SECTION 4. Tennessee Code Annotated, Section 8-50-925, is amended by adding the following as a new subsection:

(h) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 5. Tennessee Code Annotated, Section 49-5-808(g), is amended by deleting the language "illness of any member of the participant's family" and substituting instead the language "illness of a member of the participant's family except as provided in subsection (m)".

SECTION 6. Tennessee Code Annotated, Section 49-5-808, is amended by adding the following as a new subsection:



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(m) Sick leave may be granted to a member on account of an illness of the member's minor child.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. 1  
W. S. H. T.  
Signature of Sponsor

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**AMEND Senate Bill No. 838\***

**House Bill No. 962**

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Credit exam" means a comprehensive assessment designed by an LEA or public charter school that is aligned to the Tennessee academic standards for an eligible course;

(2) "Eligible course" means a course identified by the department of education, and approved by the state board of education, for which there is no end-of-course assessment; and

(3) "Qualifying score" means the score set by an LEA or public charter school that a student must achieve on a credit exam to demonstrate proficiency and earn credit for the eligible course for which the credit exam is administered.

(b) An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) may grant a high school student credit for an eligible course offered by the student's high school in which the student is not enrolled, but for which the student attains a qualifying score on the eligible course's credit exam. An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) shall provide each high school student the opportunity to take a credit exam for an eligible course each semester in which the LEA or public charter school offers an eligible course



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for which the LEA has developed a credit exam. A student may only take a credit exam once per eligible course for purposes of this section.

(c) The department of education shall recommend to the state board of education for approval a list of eligible courses for which an LEA or public charter school may develop a credit exam for purposes of this section. The list of eligible courses must include courses in math, English language arts, science, and social studies. The department may recommend eligible courses in additional subject areas.

(d) High school credit earned pursuant to this section must count toward the high school graduation requirements established pursuant to § 49-6-6001(a). A student may earn a maximum of four (4) graduation credits pursuant to this section. If a student receives a qualifying score on a credit exam, then the student's score must be included in the student's overall grade point average pursuant to local board policy.

(e) A credit exam developed by an LEA or public charter school pursuant to this section must cover the entirety of the Tennessee course standards for the course for which the student may receive credit.

(f) A credit exam administered for purposes of this section shall not affect the evaluation of a teacher, principal, school, or LEA.

(g) Each local board of education and charter school governing body that serves students in any of the grades nine through twelve (9-12) shall adopt a policy on the implementation of this section. The policy must include, at a minimum:

(1) When and how credit exams are to be administered to students seeking course credit pursuant to this section;

(2) The qualifying score for each credit exam administered to students pursuant to this section; and

(3) The grade that will be included in a student's overall grade point average for the student's achieving the qualifying score on each credit exam administered to the student pursuant to this section.

(h) An LEA or public charter school that serves students in any of the grades nine through twelve (9-12) shall provide the following information to the department of education at the end of each school year:

- (1) A copy of each credit exam developed by the LEA or public charter school pursuant to this section;
- (2) The number of credit exams administered during the school year;
- (3) The eligible courses for which credit exams were administered; and
- (4) The number of students that did and did not receive a qualifying score on each credit exam administered for purposes of this section.

(i)

(1) Upon the request of the education committee of the senate, the education administration committee of the house of representatives, or the education instruction committee of the house of representatives, the department of education shall submit a report regarding the implementation of this section.

(2) The information reported pursuant to this subsection (i) must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g); § 10-7-504; the Data Accessibility, Transparency, and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.

Amendment No. \_\_\_\_\_

Chris Hest  
Signature of Sponsor

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**AMEND Senate Bill No. 1070**

**House Bill No. 897\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by adding the following as a new subsection:

(j) Notwithstanding § 49-6-1021(e)(3), upon the request of a director of schools or the director of a public charter school, the commissioner of education may issue an endorsement exemption to a teacher, in accordance with state board rules, to teach a physical education class required under § 49-6-1021(e) to elementary school students. A director of schools or the director of a public charter school who applies for an endorsement exemption to teach in accordance with this subsection (j) shall certify to the commissioner that the LEA or public charter school is unable to secure a qualified teacher for the physical education class. An endorsement exemption issued pursuant to this subsection (j) is valid only until June 30 following the date of the permit's issuance.

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



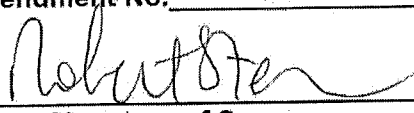
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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 972**

**House Bill No. 995\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-4103, is amended by designating subsection (a) as subdivision (a)(1) and adding the following as a new subdivision:

(2)

(A) Notwithstanding subsection (a)(1), prior to the administration of corporal punishment against a student, the student's teacher or school principal must document in the student's educational record that they have:

(i) Acted to address the student's behavior;

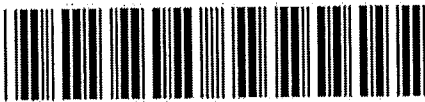
(ii) Provided consequences to the student to address the behavior;

(iii) Consulted with the student's parent or legal guardian about the student's behavior; and

(iv) Assessed the student for a disability using a nationally normed disability screener appropriate for the perceived function of the behavior.

(B) If, as a result of the assessment required in subdivision (a)(2)(A)(iv), a student is found to have a disability, then corporal punishment may only be administered against the student if authorized in accordance with subsection (b).

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



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Amendment No. \_\_\_\_\_

*Willi Lull*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 808\***

**House Bill No. 993**

by deleting all language after the enacting clause and substituting:

SECTION 1. Chapter 548 of the Public Acts of 2021, is amended by deleting the last sentence of SECTION 17 and substituting instead:

All other provisions of this act take effect on the effective date of the secretary of the interior's approval of this state's exercise of primacy over the regulation of surface coal mining and reclamation operations within its territorial boundaries, the public welfare requiring it.

SECTION 2. Tennessee Code Annotated, Section 59-8-107, is amended by adding the following as new subsections:

( ) No permit, renewal, or transfer of a permit shall be issued to an applicant until all fees required by this section are paid in full.

( )

(1) If a fee required by this section is not paid within fifteen (15) days after the due date, a penalty of five percent (5%) of the amount due accrues at once. Thereafter, on the first day of each month during which a fee or accrued penalty remains unpaid, an additional penalty of five percent (5%) of the then unpaid balance accrues. In addition, a fee not paid within fifteen (15) days after the due date bears interest at the maximum rate permitted under title 47, chapter 14, or another law, from the due date to the date paid; provided, however, the total of the penalties and interest that accrue pursuant to this subsection ( ) must not exceed three (3) times the amount of the original fee.



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(2) If a fee is not paid in full, including any interest and penalty within sixty (60) days of the due date, the commissioner may suspend the permit, pending the opportunity for hearing, until the amount due is paid in full, and refer the matter for collection.

(3) In addition to the other powers and authority provided in this section, the commissioner is authorized to seek injunctive relief in the chancery court of Sumner County or any court of competent jurisdiction for a judgment in the amount owed the state under this chapter.

(4)

(A) A person required to pay the fees set forth under this chapter who disagrees with the calculation or applicability of the fee may petition the commissioner for a hearing.

(B) In order to perfect a hearing, a petition for a hearing, together with the total amount of the fee due, must be received by the commissioner not later than fifteen (15) days after the due date.

(C) The hearing must be conducted in accordance with contested case provisions in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(D) If it is finally determined that the amount in dispute was improperly assessed, the commissioner shall return the amount determined to be improperly assessed with interest.

SECTION 3. Tennessee Code Annotated, Section 59-8-108(a), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "seventy-five thousand dollars (\$75,000)".

SECTION 4. Tennessee Code Annotated, Section 59-8-108(c), is amended by deleting the subsection.

SECTION 5. Tennessee Code Annotated, Section 59-8-110(c)(2), is amended by deleting the language "regulatory authority" and substituting instead "commissioner".

SECTION 6. Tennessee Code Annotated, Section 59-8-111(c)(4), is amended by deleting the language "ground waters" and substituting instead "groundwaters".

SECTION 7. Tennessee Code Annotated, Section 59-8-112(b)(2)(E), is amended by deleting the language "regulatory authority" and substituting the language "commissioner".

SECTION 8. Tennessee Code Annotated, Section 59-8-117(a), is amended by deleting the first sentence and substituting instead:

A permittee who violates this part, rules promulgated pursuant to this part, or any permit condition required by this part, may be assessed a civil penalty by the commissioner, except that if the violation leads to the issuance of a cessation order, a civil penalty must be assessed, and in either case, such permittee is also liable for any damages to the state resulting from the violation.

SECTION 9. Tennessee Code Annotated, Section 59-8-117(b)(1), is amended by deleting the language "A civil penalty shall be assessed by the commissioner" and substituting instead "The commissioner shall assess a civil penalty or damages".

SECTION 10. Tennessee Code Annotated, Section 59-8-117, is amended by deleting the language "penalty" wherever it appears in subdivisions (b)(2) and (b)(4) and subsection (c) and substituting instead "assessment".

SECTION 11. Tennessee Code Annotated, Section 59-8-117(d), is amended by deleting the language "or penalty".

SECTION 12. Tennessee Code Annotated, Section 59-8-117(l), is amended by deleting the language "which" and substituting instead "that".

SECTION 13. Tennessee Code Annotated, Section 59-8-117, is amended by adding the following as a new subsection:

( ) Damages to the state may include any reasonable expenses incurred in investigating and enforcing violations of this chapter and to defray expenses necessary

for activities supporting the reclamation of land and water adversely affected by surface coal mining and exploration activities after August 3, 1977.

SECTION 14. Tennessee Code Annotated, Section 59-8-131(b)(3), is amended by deleting the language "or representative of employees".

SECTION 15. Tennessee Code Annotated, Section 59-8-131(b)(4), is amended by deleting the subdivision.

SECTION 16. Tennessee Code Annotated, Title 59, Chapter 8, Part 1, is amended by adding the following as a new section:

**59-8-133. Postponement of efforts to obtain exclusive jurisdiction over surface coal mining and reclamation operations.**

(a) Notwithstanding a law to the contrary, the state shall postpone efforts to obtain exclusive jurisdiction over surface coal mining and reclamation operations within this state under the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) until the commissioner notifies the speaker of the senate and the speaker of the house of representatives that the commissioner has determined that:

(1) The surface coal mining industry in this state is fiscally self-sufficient to support a state-operated program, with revenues from fees and taxes generated from the industry anticipated to meet required expenditures, using data from the report required by subsection (c); and

(2) This state has allocated monies sufficient to address actual and potential liabilities resulting from insufficient bonding relative to surface coal mining and reclamation operations.

(b) During the period of postponement pursuant to subsection (a), the department shall consult with the Tennessee Mining Association regarding the status of surface coal mining and reclamation operations in this state. The department of environment and conservation shall notify the department of revenue when any application for primacy is submitted.

(c) By July 1, 2024, and each July 1 thereafter until July 1, 2028, the department shall submit a report to the speaker of the senate and the speaker of the house of representatives containing data on:

(1) The tonnage of coal severed from the ground in surface coal mining and reclamation operations in this state during the prior fiscal year; and

(2) The amount of projected revenue from acreage fees, severance taxes, permit fees, and amendment fees that would have been required by state law if the state had exclusive jurisdiction over surface coal mining and reclamation operations in this state during the prior fiscal year.

(d) If, by July 1, 2028, the commissioner has not notified the speaker of the senate and the speaker of the house of representatives pursuant to subsection (a), any obligation of this state to seek to obtain exclusive jurisdiction over surface coal mining and reclamation operations within this state under the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 et seq.) terminates.

SECTION 17. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 18. This act takes 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. 411**

**House Bill No. 718**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 6, is amended by adding the following as a new section:

**56-7-611.**

(a) As used in this section:

(1) "Covered person" means an individual who is insured under a state healthcare plan;

(2) "Emergency medical services" means physical or mental healthcare services rendered for a medical or traumatic condition, sickness, or injury, including a mental health condition or substance use disorder, in which a person is exhibiting acute symptoms of sufficient severity, including severe pain, regardless of the initial, interim, final, or other diagnoses that are given, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to obtain immediate medical care could result in:

(A) Placing the person's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of a bodily organ or part;

(3) "Healthcare services":

(A) Means a nonemergency medical service; and

(B) Includes a prescription drug or device;



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(4) "Nonemergency medical service":

(A) Means the examination or treatment of an individual for the prevention of illness or the correction or treatment of a physical or mental condition resulting from an illness, injury, or other human physical problem that does not qualify as an emergency medical service; and

(B) Includes:

(i) Hospital services that include the general and usual care, services, supplies, and equipment furnished by hospitals;

(ii) Medical services that include the general and usual care and services rendered and administered by physicians, dentists, optometrists, and other healthcare entities; and

(iii) Other medical services that include, but are not limited to, the provision of appliances and supplies; nursing care by a registered nurse; institutional services, including the general and usual care, services, supplies, and equipment furnished by healthcare entities and agencies or entities other than hospitals; physiotherapy; drugs and medications; therapeutic services and equipment, including oxygen and the rental of oxygen equipment; hospital beds; iron lungs; orthopedic services and appliances, including wheelchairs, trusses, braces, crutches, and prosthetic devices, including artificial limbs and eyes; and another appliance, supply, or service related to health care that does not qualify as an emergency medical service; and

(5) "State healthcare plan" or "plan" means the group insurance plans offered under title 8, chapter 27.

(b)

(1) The committees, as defined in § 8-27-101, shall work with the insurance companies with which the committees have entered into contracts to provide health insurance benefits to establish an incentive program no later than January 1, 2024.

(2) The incentive program required by subdivision (b)(1) must provide a rebate to a covered person who obtains a healthcare service covered by the person's plan at a lower cost than the average allowed amount paid by the carrier to network providers for a comparable healthcare service. The rebate must be:

(A) For the full difference between the amount paid by the covered person and the average allowed amount paid by the carrier to network providers for a comparable healthcare service;

(B) Provided to the covered person as a cash payment, which may be done as a direct deposit, by check, or in another similar manner; and

(C) Sent to the covered person within thirty (30) days from the date on which the covered person obtained the healthcare service.

SECTION 2. Tennessee Code Annotated, Section 56-7-603(a)(1), is amended by deleting "Beginning on January 1, 2021, a carrier may provide incentives" and substituting "In addition to the incentives required under § 56-7-611, beginning on January 1, 2021, a carrier may provide incentives".

SECTION 3. Tennessee Code Annotated, Section 56-7-603(a)(2), is amended by deleting "Incentives, effective January 1, 2021, may" and substituting "In addition to the incentives required under § 56-7-611, incentives, effective January 1, 2021, may".

SECTION 4. Tennessee Code Annotated, Section 56-7-609, is amended by deleting "in any year" and substituting "in a year; provided, that this limitation does not apply to the incentive program required by § 56-7-611".

SECTION 5. This act takes effect January 1, 2024, the public welfare requiring it, and applies to state healthcare plans issued, delivered, entered into, amended, or renewed on or after that date.



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1323**

**House Bill No. 707\***

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

SECTION 1. Tennessee Code Annotated, Section 38-8-111(a)(1), is amended by deleting the language "eight hundred dollars (\$800)" and substituting instead the language "one thousand two hundred dollars (\$1,200)".

SECTION 2. Tennessee Code Annotated, Section 8-36-205(a)(1), is amended by deleting the language "sixty (60) years of age" and substituting instead the language "sixty-five (65) years of age".

SECTION 3. Tennessee Code Annotated, Section 8-36-205(a)(2), is amended by designating the existing language as subdivision (a)(2)(A) and adding the following as a new subdivision (a)(2)(B):

(B) Notwithstanding subdivision (a)(2)(A), a political subdivision participating in the Tennessee consolidated retirement system may establish an extended mandatory age requirement pursuant to this subdivision (a)(2)(B) for members who are employed as police officers with, or who have been transferred from such a position to a supervisory or administrative position within the police department; provided, that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the respective political subdivision shall determine whether the member is employed in a position requiring the mandatory retirement of the member under this subdivision (a)(2)(B). In making any such determination, the political subdivision shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. The political subdivision may



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establish an extended mandatory retirement age requirement for all its police officers and for all its employees who have been transferred from the position of a police officer to a supervisory or administrative position within their respective agency subject to the following:

- (i) The terms and conditions of the extended mandatory retirement age requirement must be the same for all such employees within its employ;
- (ii) The extended mandatory retirement age requirement must not be less than sixty-five (65) years of age;
- (iii) Each such employee shall be retired on the first day of the month following the month in which the employee attains the extended mandatory retirement age requirement established by the political subdivision;
- (iv) Each such employee is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(b)(2); and
- (v) The chief governing body of the political subdivision must pass a resolution authorizing the establishment of the extended mandatory retirement age requirement, and the resolution must further contain an authorization granting the extended supplemental bridge benefit and the acceptance by the political subdivision of the liability associated with the bridge benefit. All costs associated with providing the supplemental benefit must be paid by the political subdivision and not by the state. Notwithstanding this section or another law to the contrary, the terms of a resolution to adopt an extended mandatory retirement age requirement pursuant to this subdivision (a)(2)(B) may include, at the option of the political subdivision, the deferral of the effective date of the mandatory retirement age requirement up to the July 1 next following the passage of twelve (12) months from the effective date of the resolution; provided, however, that a deferral shall not impact the right, if any, that a member may

otherwise have to receive the extended supplemental bridge benefit provided for in § 8-36-211(b)(2).

SECTION 4. Tennessee Code Annotated, Section 8-36-205(a)(3)(A), is amended by deleting the language "sixty (60) years of age" wherever it appears and substituting instead the language "sixty-five (65) years of age"; and is further amended by deleting the language "age requirement for receipt of old age and survivors benefits" and substituting instead the language "age requirement for receipt of full old age and survivors benefits".

SECTION 5. Tennessee Code Annotated, Section 8-36-205(a)(3)(B), is amended by deleting the language "subdivision (a)(2)" wherever it appears and substituting instead the language "subdivision (a)(2)(A)".

SECTION 6. Tennessee Code Annotated, Section 8-36-205(a)(3)(B), is amended by redesignating the existing language as subdivision (a)(3)(B)(i) and adding the following as a new subdivision (a)(3)(B)(ii):

(ii) Notwithstanding this section to the contrary, any member employed in a position requiring mandatory retirement under subdivision (a)(2)(B) shall be retired on the first day of the month following the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B), unless the respective political subdivision determines that the member serves in a supervisory or administrative position that requires less than fifty percent (50%) of the member's duties to be involved in day-to-day law enforcement activities. Upon such determination by the respective political subdivision, the member may continue in service until the first day of the month following the month in which the member reaches the extended mandatory retirement age requirement for receipt of full old age and survivors benefits under Title II of the Federal Social Security Act; provided, that the member acknowledges that by continuing in service the member forfeits any rights to retirement benefits, including any supplemental bridge benefit provided for in § 8-36-211, during the period of the member's continued service. The acknowledgment

must be made in the manner prescribed by the retirement division and must be filed with the retirement division on or before the first day of the month prior to the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B). A member who fails to file the acknowledgment at the time and in the manner prescribed by this subdivision (a)(3)(B)(ii) shall be retired on the first day of the month following the month in which the member attains the extended mandatory retirement age requirement established by the political subdivision under subdivision (a)(2)(B).

SECTION 7. Tennessee Code Annotated, Section 8-36-211(b), is amended by deleting the language "§ 8-36-205(a)(2)" and substituting instead the language "§ 8-36-205(a)(2)(A)".

SECTION 8. Tennessee Code Annotated, Section 8-36-211(b), is amended by redesignating the existing language as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2) An extended supplemental bridge benefit must further be paid to any Group 1 member who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B), if the political subdivision for which the service was rendered adopts an extended mandatory retirement age requirement pursuant to § 8-36-205(a)(2)(B). The supplemental benefit must be paid only if the extended mandatory retirement age requirement adopted by the political subdivision is sixty-five (65) years of age or older, but less than the age requirement for receipt of full old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. § 401 et seq.). The extended supplemental benefit is calculated as follows:

(A) For a member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a

Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B); or

(B) For a member retiring on an early service retirement allowance pursuant to § 8-36-301, the supplemental bridge benefit is computed in accordance with subdivision (b)(1), but must be reduced by four-tenths of one percent (0.4%) for each month by which the member's date of early service retirement precedes the member's service retirement date.

SECTION 9. Tennessee Code Annotated, Section 8-36-211(f), is amended by deleting the language "(a)(2)" and substituting instead the language "(a)(2)(A)" in subdivision (2) and by adding the following new subdivisions:

(4) Effective July 1, 2023, for members who are eligible for the supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(1) and who retire on or after that date, the supplemental bridge benefit must commence on the member's effective date of retirement or on the first day of the month following the month the member reaches sixty (60) years of age, whichever is later; and

(5) Effective July 1, 2023, for members who are eligible for the extended supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(2) and who retire on or after that date, the extended supplemental bridge benefit must commence on the member's effective date of retirement or on the first day of the month following the month the member reaches sixty (60) years of age, whichever is later; provided, that this subdivision (f)(5) does not apply to any member who is eligible for the extended supplemental bridge benefit based solely on creditable service rendered pursuant to § 8-36-205(a)(2)(B), unless the chief governing body of the political subdivision passes a resolution accepting the associated liability and cost to provide those benefits.

SECTION 10. Tennessee Code Annotated, Section 8-36-211(f)(3), is amended by deleting the subdivision and substituting instead the following:

(A) Except as provided in subdivision (f)(3)(B), the supplemental bridge benefit and any cost-of-living adjustments attributable to that benefit must cease on the first day of the month following the month in which the member dies, or on the first day of the month following the month in which the member reaches the age requirement for receipt of old age and survivors benefits under Title II of the federal Social Security Act, whichever occurs first; and

(B) A supplemental bridge benefit, or extended supplemental bridge benefit, received pursuant to subdivision (f)(4) or (5) and any cost-of-living adjustments attributable to that benefit must cease on the first day of the month following the month in which the member dies, or on the first day of the month following the month in which the member reaches the age requirement for receipt of full old age and survivors benefits under Title II of the federal Social Security Act, whichever occurs first;

SECTION 11. Tennessee Code Annotated, Section 8-36-211(g), is amended by deleting the subsection and substituting instead the following:

(1) The supplemental bridge benefit provided by this section applies to all current and future retired members; provided, that the benefit must not be paid retroactively.

(2) Subdivision (f)(1) is effective beginning July 1, 1998, for service covered under subsection (a), or upon the effective date of the mandatory retirement age provision for service covered under subdivision (b)(1).

(3) Subdivision (f)(2) is effective beginning July 1, 2007, for service covered under subsection (a), or upon the effective date of the resolution adopted pursuant to subdivision (f)(2) for service covered under subdivision (b)(1).

(4) Subdivisions (f)(3)(B), (f)(4), and (f)(5) are effective beginning July 1, 2023, for service covered under subsection (a), or upon the effective date of the resolution adopted pursuant to subdivision (f)(5) for service covered under subdivision (b)(2).

SECTION 12. Tennessee Code Annotated, Section 8-35-255(c), is amended by deleting the subsection and substituting instead the following:

Except as otherwise provided in this subsection (c), a member in the alternate defined benefit plan is eligible for service retirement upon attainment of sixty-five (65) years of age and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). A member serving in a position covered by the mandatory retirement provisions of § 8-36-205 is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(A) and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211(f)(2) is eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B) and who is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(f)(5) is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of twenty-five (25) years of creditable service. The service rendered while the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2) is independent of all other creditable service for the purpose of calculating the member's retirement benefits under subsection (a). Section 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit or extended supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance pursuant to this subsection (c). Instead, the supplemental bridge benefit or extended supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years

of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

SECTION 13. Tennessee Code Annotated, Section 8-35-256(c), is amended by deleting the subsection and substituting instead the following:

Except as otherwise provided in this subsection (c), a member in the hybrid plan is eligible for service retirement upon attainment of sixty-five (65) years of age and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). A member serving in a position covered by the mandatory retirement provisions of § 8-36-205 is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(A) and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211(f)(2) is eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service. A member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2)(B) and who is entitled to the extended supplemental bridge benefit established pursuant to § 8-36-211(f)(5) is eligible for service retirement upon attainment of sixty (60) years of age and upon completion of twenty-five (25) years of creditable service. The service rendered while the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2) is independent of all other creditable service for the purpose of calculating the member's retirement benefits under subsection (a). Section 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit or extended supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance



pursuant to this subsection (c). Instead, the supplemental bridge benefit or extended supplemental bridge benefit is equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

SECTION 14. Tennessee Code Annotated, Title 8, Chapter 36, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding this chapter to the contrary, a member who is:

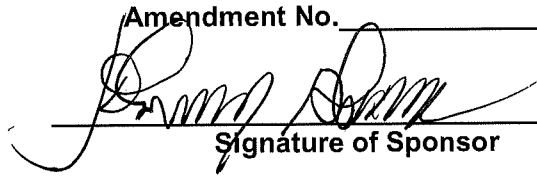
(1) A participant in the legacy pension plan and serving in a law enforcement position covered by the mandatory retirement provisions of § 8-36-205 shall receive a total base benefit improvement percentage of nineteen percent (19%) upon completion of fifteen (15) or more years of service in such a position. This base benefit improvement percentage is in lieu of any other base benefit improvement percentage authorized pursuant to this chapter and applies to all years of service in such a position once the fifteen-year threshold is attained; or

(2) A participant in the hybrid pension plan and serving in a law enforcement position covered by the mandatory retirement provisions of § 8-36-205 shall receive a total base benefit improvement percentage of twenty-one percent (21%) upon completion of fifteen (15) or more years of service in such a position. This base benefit improvement percentage is in lieu of any other base benefit improvement percentage authorized pursuant to this chapter and applies to all years of service in such a position once the fifteen-year threshold is attained.

(b) Any base benefit improvement increase authorized pursuant to this section shall not apply to employees of employers participating in the retirement system

pursuant to chapter 35, part 2 of this title, unless the governing body of the employer, after receipt of the liability information from the retirement system, passes a resolution authorizing the increase and accepting the liability thereof.

SECTION 15. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| <b>FILED</b> |             |
| Date         | <u>3/16</u> |
| Time         | <u>9:30</u> |
| Clerk        | _____       |
| Comm. Amdt.  | _____       |

**AMEND Senate Bill No. 561\***

**House Bill No. 1517**

by deleting SECTION 3 and substituting:

SECTION 3. Tennessee Code Annotated, Section 29-20-107, is amended by adding the following new subsection (h):

(h) An off-duty law enforcement officer or sheriff employed by a governmental entity to provide security services at a megasite in accordance with §§ 64-9-115 and 38-8-133 is deemed to be an employee of that governmental entity for purposes of this chapter.



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Amendment No. \_\_\_\_\_



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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1127**

**House Bill No. 1208\***

by deleting all language after the enacting clause and substituting:

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

(a) As used in this section:

(1) "Law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to employ peace officers; and

(2) "Peace officer" has the same meaning as defined in § 40-7-118.

(b) This section applies only to a peace officer, other than a reserve peace officer, who:

(1) Is a candidate for employment as a peace officer for a law enforcement agency on or after January 1, 2024; and

(2) If employed, is entitled to benefits normally offered to a full-time peace officer by the employing agency, such as retirement benefits.

(c) A law enforcement agency shall not employ a peace officer to whom this section applies unless the peace officer obtains and continuously maintains liability insurance to cover damages resulting from misconduct, including intentional, negligent, or willful acts committed by the peace officer while acting in the scope of the peace officer's employment for the law enforcement agency.

(d) Liability insurance obtained and maintained for purposes of subsection (c) must comply with the rules adopted by the commissioner under subsection (e).



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(e)

(1) Not later than January 1, 2024, the commissioner shall adopt rules with respect to the liability insurance required by subsection (c) that:

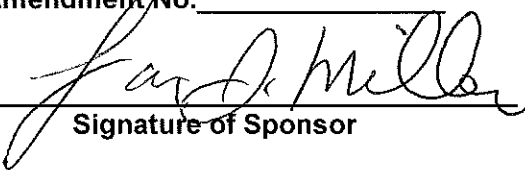
(A) Set a minimum coverage amount for a policy that allows for a reasonable number of victims to be compensated; and

(B) Require a policy to state that the policy is provided in accordance with and subject to this section.

(2) Rules adopted pursuant to this subsection (e) by the commissioner must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 436\***

**House Bill No. 1135**

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

SECTION 1. Tennessee Code Annotated, Section 8-36-209(b), is amended by adding the following new subdivisions:

(5)

(A) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum allowance provided by this subsection (b) must not be less than one thousand four hundred forty dollars (\$1,440) multiplied by the number of years of creditable service. Section 8-36-702 does not apply to the benefit provided under this subdivision (b)(5).

(B) The beneficiaries of benefits provided in this subdivision (b)(5) may elect to receive an amount less than the amount that the beneficiary is otherwise eligible to receive; provided, that the election is in writing and irrevocable.

SECTION 2. Tennessee Code Annotated, Section 8-36-209(b)(4)(A), is amended by deleting "Effective November 8, 1988," and substituting instead "Except as provided in subdivision (b)(5), effective November 8, 1988,".

SECTION 3. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by deleting "except as provided in subsection (e)" and substituting instead "except as provided in subdivision (c)(1)(B) and subsection (e)".

SECTION 4. Tennessee Code Annotated, Section 8-36-909(c)(1), is amended by designating the language as new subdivision (A) and adding the following new subdivision (B):



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(B) For members of the general assembly who retire on or after November 5, 2024, with ten (10) or more years of service, the minimum retirement allowance payable under the defined benefit component with respect to creditable service rendered as a member of the general assembly must not be less than seventy dollars (\$70.00) per month for each year of creditable service adjusted on July 1, 2025, and on each July 1 thereafter pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) except as provided in subsection (e).

SECTION 5. Tennessee Code Annotated, Section 8-36-715(e)(1), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) On July 1, 2025, and on each July 1 thereafter, the minimum retirement allowance provided for in § 8-36-209(b)(5)(A) must be adjusted pursuant to the cost-of-living provisions in § 8-36-701(b)(1) and (2) until the person has been retired from the retirement system for twelve (12) months on July 1 next following the December 31 as of which the adjustment is determined.

SECTION 6. This act takes 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. 927\***

**House Bill No. 1484**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-4-115, is amended by deleting subsection (a) and substituting the following:

(a) The county legislative bodies alone have the power, and it is their duty, to provide medical care for all prisoners confined in the jail in their respective counties, except for federally funded medication for HIV positive patients pursuant to subsection (h). The county legislative bodies shall allow the county jail physician such compensation, to be paid by their respective counties, as may be fixed by the county legislative body agreed upon in writing between the county and the attending jail physician or as may be fixed by the county legislative body.

SECTION 2. Tennessee Code Annotated, Section 41-4-115, is amended by adding the following new subsection:

(h) Notwithstanding subsection (a), subject to the availability of federal funds and the satisfaction of requirements for use of such federal funds, the department of health may use federal funding for the payment of medication for inmates who are HIV positive.

SECTION 3. This act takes effect upon becoming law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1342**

**House Bill No. 1473\***

by deleting all language after the enacting clause and substituting:

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

**38-1-801.**

(a) A law enforcement agency, as defined in § 39-13-519(a), shall require each law enforcement officer, as defined in § 7-51-210(a), employed, commissioned, or appointed by the law enforcement agency to make a report of each traffic stop or arrest that the law enforcement officer conducts, or any other law enforcement action undertaken by the law enforcement officer that results in the use of force by the law enforcement officer or a complaint against the officer being made with the law enforcement agency, which report must include all of the following information:

- (1) The law enforcement officer's name;
- (2) The police service area or precinct in which the incident occurred;
- (3) The police service area or precinct that the law enforcement officer is assigned to;
- (4) The date, start and end time, and location of the incident;
- (5) The year, make, and model of the vehicle that the law enforcement officer stopped, if any;
- (6) The race, ethnicity, and gender of all persons who were stopped, arrested, or against whom force was used by the law enforcement officer during the incident. The requirements of this subdivision (a)(6) apply to the driver of the



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vehicle that the law enforcement officer stopped and all passengers in the vehicle, if applicable;

(7) The primary violation that prompted the incident, and all secondary violations, if any;

(8) Official action taken by the law enforcement officer, including, but not limited to, the issuance of a warning or citation;

(9) Whether any of the persons identified pursuant to subdivision (a)(6) were frisked or searched, had their identifications searched for warrants, or were arrested;

(10) Whether the incident resulted in the seizure of contraband. All contraband seized must be reported by one (1) of the following types:

(A) Firearms;

(B) Weapons other than firearms;

(C) Narcotics; or

(D) Other contraband;

(11) Whether a vehicle or any personal property other than contraband was seized or any damages were incurred; and

(12) Any other relevant information necessary for effective monitoring of vehicle stops, to be established by policy of the law enforcement agency.

(b) Subsection (a) does not require the duplication of reports made by law enforcement officers.

(c) Each law enforcement agency in this state shall electronically transmit the information required by subsection (a) to the Tennessee bureau of investigation at least once per week for publication in the electronic database required by § 38-1-802.

**38-1-802.**

(a) The Tennessee bureau of investigation shall develop, maintain, and update a publicly accessible online database on which the bureau must publish all of the

information that is required by § 38-1-801(a) and reported to the bureau pursuant to § 38-1-801(c). The information in the database must be presented in a format that allows the public to search incidents using the data points in § 38-1-801(a)(1)-(12).

(b) The Tennessee bureau of investigation shall promulgate rules to implement and administer the database required by subsection (a). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 10-7-503(c), is amended by adding the following as a new subdivision:

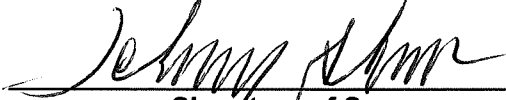
(3) The database created pursuant to § 38-1-802 and the information published on the database are not law enforcement personnel records.

SECTION 3. Tennessee Code Annotated, Section 10-7-504(a)(2), is amended by adding the following as a new subdivision:

(D) The database created pursuant to § 38-1-802 and the information published on the database are not confidential records.

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date 3/20

Time 9:40 AM

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 561\***

**House Bill No. 1517**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 64-9-104(a)(10), is amended by deleting the subdivision and substituting:

(10) Enter into agreements with local governments, pursuant to title 12, chapter 9, or industrial development corporations, pursuant to title 7, chapter 53, regarding the provision of governmental services to the megasite and the distribution to local governments or industrial development corporations of payments in lieu of ad valorem property taxes;

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1127**

**House Bill No. 1208\***

by deleting all language after the enacting clause and substituting:

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

(a) As used in this section:

(1) "Law enforcement agency" means an agency of this state or an agency of a political subdivision of this state authorized by law to employ peace officers; and

(2) "Peace officer" has the same meaning as defined in § 40-7-118.

(b) This section applies only to a peace officer, other than a reserve peace officer, who:

(1) Is a candidate for employment as a peace officer for a law enforcement agency on or after January 1, 2024; and

(2) If employed, is entitled to benefits normally offered to a full-time peace officer by the employing agency, such as retirement benefits.

(c) A law enforcement agency shall not employ a peace officer to whom this section applies unless the peace officer obtains and continuously maintains liability insurance to cover damages resulting from misconduct, including intentional, negligent, or willful acts committed by the peace officer while acting in the scope of the peace officer's employment for the law enforcement agency. The liability insurance policy required under this subsection (c) must be obtained and exclusively paid for by the



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peace officer to be insured without contribution or compensation for such policy by a state or local governmental entity.

(d) Liability insurance obtained and maintained for purposes of subsection (c) must comply with the rules adopted by the commissioner under subsection (e).

(e)

(1) Not later than January 1, 2024, the commissioner shall adopt rules with respect to the liability insurance required by subsection (c) that:

(A) Set a minimum coverage amount for a policy that allows for a reasonable number of victims to be compensated; and

(B) Require a policy to state that the policy is provided in accordance with and subject to this section.

(2) Rules adopted pursuant to this subsection (e) by the commissioner must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_



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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1274**

**House Bill No. 1270\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-36-103(1), is amended by deleting the subdivision and substituting instead:

(1) Establish a mechanism for using state funds to contract with local governments and qualified private entities to develop community-based alternatives to incarceration that provide a treatment-centered pathway and community-based supervision for offenders, thereby reserving state penal institution, local jail, or workhouse bed space for other offenders;

SECTION 2. Tennessee Code Annotated, Section 40-36-106(e), is amended by adding the following as a new subdivision:

(6) Upon a judge sentencing a person to be supervised under this chapter by an organization governed by this chapter, the department of correction or another state agency shall not penalize, financially or otherwise, the organization for providing such service.

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



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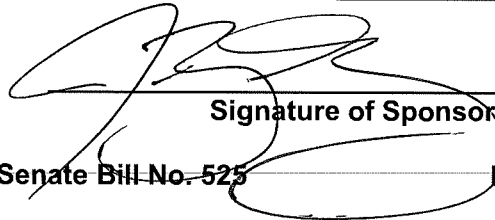
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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**AMEND** ~~Senate Bill No. 525~~

**House Bill No. 300\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 1-3-120, is amended by adding the following as a new subsection:

(f) In a county that has adopted a charter form of government pursuant to title 5, chapter 1, part 2, and that has a population of not less than four hundred seventy-eight thousand nine hundred (478,900) and not more than four hundred seventy-nine thousand (479,000), according to the 2020 or any subsequent federal census, if the county government is required by law to publish a notice for any purpose in a newspaper of general circulation, the publication requirement has been met if the county government posts the notice on a website operated and managed by the county government for that purpose, so long as the notice otherwise complies with the publication requirements, including the period required for publication.

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

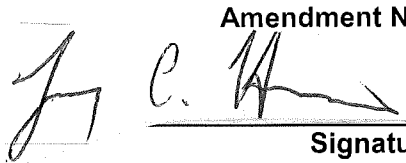


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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 16\***

**House Bill No. 547**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) In addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay:

(1) For a period of time equal to twelve (12) workweeks after the birth of the employee's newborn child or the placement of a minor child six (6) years of age or younger with the employee for adoption or foster care upon the employee giving a thirty-day notice to the appropriate appointing authority. If the eligible employee learns of the birth or adoption less than thirty (30) days in advance, the employee must give the notice as soon as reasonably possible;

(2) For a period of time equal to one (1) workweek for a serious health condition of the employee, employee's spouse, employee's child, or employee's parent upon the employee giving a thirty-day notice and appropriate medical certification from a healthcare provider to the appropriate appointing authority. If the eligible employee learns of the need for leave based on a serious health condition less than thirty (30) days in advance, the employee must give the notice and medical certification as soon as reasonably possible; and

(3) For a period of time equal to six (6) hours for an employee who is a parent or caregiver to attend a school-related activity of the employee's child or the child for whom the employee is a caregiver, upon the employee giving a ten-



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day notice and appropriate letter or other documentation from the child's teacher or other person responsible for the activity's scheduling to the appropriate appointing authority. If the eligible employee learns of the need for leave based on the school-related activity less than ten (10) days in advance, the employee must give the notice and documentation as soon as reasonably possible.

(b) Leave used by an eligible employee pursuant to this section must not be charged against any sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601 et seq.) and § 4-21-408.

(d) An eligible employee must not be granted paid leave under subsection (a) more than once in a twelve-month period.

(e) As used in this section:

(1) "Caregiver" means the person responsible for providing for the supervision, protection, and basic needs of a child;

(2) "Eligible employee" means an employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a); § 8-30-102(b)(1)-(7), including administrative boards and commissions attached to such entities; and § 8-30-102(b)(10)-(13);

(3) "School-related activity" means all extracurricular or other school activities or events as to which parental or caregiver participation or observation is required or would be appropriate, including parent-teacher conferences, required parent volunteer hours, and athletic events; and

(4) "Serious health condition" means:

(A) A condition requiring an overnight stay in a hospital or other medical care facility;

(B) A condition that incapacitates a person for more than three (3) consecutive days and requires ongoing medical treatment;

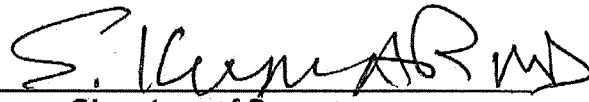
(C) A chronic condition that causes occasional periods when a person is incapacitated and requires treatment by a healthcare provider at least four (4) times a year; and

(D) Pregnancy.

(f) The department of human resources shall establish policies for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish policies for implementing this section as appropriate.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 918\***

**House Bill No. 1319**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-1-406, is amended by adding the following as a new subsection:

(c)

(1) The United States flag and the official state flag must be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions.

(2) A flag other than the United States flag and the official state flag shall not be displayed continuously on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions. Flags representing a club, society, or organization may only be displayed on property owned, operated, or controlled by this state or a political subdivision of this state, including educational institutions, for the period of time for which the entity is meeting or performing an authorized function on the property.

(3) Subdivision (c)(2) does not:

(A) Apply to a flag protected by § 4-1-412;

(B) Prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3;

(C) Prohibit a department or agency of this state from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or



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(D) Prohibit a department or agency of this state, or an institution for postsecondary or higher education, from flying its official flag.

(4) As used in this subsection (c), "political subdivision" has the same meaning as defined in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 5-7-109, is amended by deleting subsection (a) and substituting instead the following:

(a) A county mayor of a county whose courthouse is equipped with a flag pole has the right to request and be furnished with a flag of the state of Tennessee, which must be displayed continuously by the county authority pursuant to § 4-1-406(c).

SECTION 3. Tennessee Code Annotated, Section 49-6-2005, is amended by deleting the section and substituting instead the following:

(a) The United States flag and the official state flag must be displayed continuously on each public school building. The local board of education shall purchase at wholesale prices, on competitive bids, as many flags as needed for the various schools and to pay for them out of the public school funds.

(b) A flag other than the United States flag and the official state flag shall not be displayed continuously on a public school building. Flags representing a club, society, or organization may only be displayed on a public school building for the period of time for which the entity is meeting or performing an authorized function on school property.

(c) Subsection (b) does not:

(1) Apply to a flag protected by § 4-1-412;

(2) Prohibit the P.O.W.-M.I.A. flag from being displayed pursuant to title 58, chapter 4, part 3;

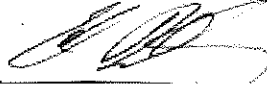
(3) Prohibit a public school from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or

(4) Prohibit a public school from flying its official school flag.

(d) In order to ensure uniformity in the quality of the flags displayed and the flag's adaptability to the size of the building on which it is displayed, the commissioner of education shall specify the size and quality of flags to be purchased and outline rules and regulations for the proper care, display, and observance of the flags.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_



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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1099**

**House Bill No. 1024\***

by deleting the amendatory language in subdivision ( ) (3) of SECTION 1 and substituting  
instead:

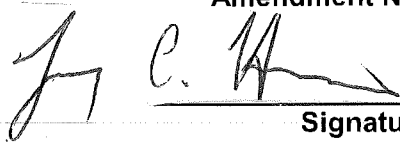
(3) Fines assessed under subdivision ( )(1) must be promptly collected by the  
Tennessee monuments and memorials commission, created by Senate Bill 1100 /  
House Bill 1025, or Tennessee historical commission, forwarded to the state treasurer,  
and deposited into the Tennessee historic preservation fund, hereby created and  
accounted for separately in the general fund, for the preservation, repair, refurbishment,  
and conservation of memorials. If the Tennessee monuments and memorials  
commission or Tennessee historical commission is unable to promptly collect a fine  
pursuant to this subdivision ( )(3), the attorney general and reporter shall file suit in a  
court of competent jurisdiction to collect the fine.



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1243**

**House Bill No. 1392\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-8-305(f), is amended by deleting the subsection and substituting:

(f)

(1) A record shall be made of the hearing.

(2) If the police officer was dismissed, demoted, or suspended without pay for a period of five (5) days or more and the action taken against the police officer is upheld at the hearing, then the record must be a public record, which is not subject to any additional privilege, and must be available as a document for electronic delivery upon receiving the appropriate records request.

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



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1038\***

**House Bill No. 1365**

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

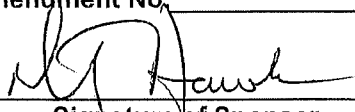
SECTION 6. Tennessee Code Annotated, Section 68-102-308, is amended by deleting subdivision (c)(2) in its entirety.



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Signature of Sponsor

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**AMEND Senate Bill No. 666\***

**House Bill No. 885**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 56-6-702, is amended by deleting subdivisions (2) and (3) and substituting:

(2) Assure that utilization review agents adhere to reasonable standards for utilization review, including adherence to the Prior Authorization Fairness Act, compiled in chapter 7, part 36 of this title;

(3) Foster greater coordination and cooperation between healthcare providers and utilization review agents, including adherence to the Prior Authorization Fairness Act;

SECTION 2. Tennessee Code Annotated, Section 56-7-132, is amended by adding the following new subsection (f):

(f) Original health insurers and successor health insurers shall comply with the Prior Authorization Fairness Act, compiled in part 36 of this chapter.

SECTION 3. Tennessee Code Annotated, Section 56-7-1013(h), is amended by adding the following new subdivision (6):

(6) The Prior Authorization Fairness Act, compiled in part 36 of this chapter.

SECTION 4. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

**56-7-3601. Short title.**

This part is known and may be cited as the "Prior Authorization Fairness Act."

**56-7-3602. Part definitions.**



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As used in this part:

(1) "Adverse determination" has the same meaning as defined in § 56-61-102;

(2) "Chronic condition" means a condition that has an expected duration of one (1) year or more and requires ongoing medical attention or limits activities of daily living, or both;

(3) "Commissioner" has the same meaning as defined in § 56-1-102;

(4) "Emergency healthcare service" means an inpatient or outpatient hospital service or a prescription medication that is necessary to treat or prevent a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, regardless of the final diagnosis of the symptoms, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to potentially result in:

(A) Placing the person's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of a bodily organ or part;

(5) "Enrollee" has the same meaning as defined in § 56-6-703;

(6) "Facility" means an institution licensed under title 33 or 68;

(7) "Health carrier" has the same meaning as defined in § 56-61-102;

(8) "Healthcare prescriber" means a prescriber as defined in § 53-10-203;

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

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

(11) "Healthcare service" means a service rendered by a healthcare provider or at a practice that provides testing, monitoring, diagnosis, or treatment of a human disease or condition, prescribes drugs, or dispenses drugs, medical devices, medical appliances, or medical goods for the treatment of a human disease or condition;

(12) "Medically necessary" or "medical necessity" has the same meaning as defined in § 56-61-102;

(13) "Physician" means a medical doctor or osteopathic physician with a valid state medical license issued pursuant to title 63, chapter 6 or 9;

(14) "Practice" means an entity formed with at least one (1) healthcare provider to provide healthcare services;

(15) "Prescription drug" has the same meaning as defined in § 56-7-3201;

(16) "Prescription drug benefit" means the right to have a payment made by a utilization review organization for a prescription drug listed on the applicable formulary in accordance with coverage contained within a health benefit plan delivered, issued for delivery, or renewed in this state;

(17) "Prior authorization" means a written or oral determination made by a health carrier or utilization review organization, or an agent of such carrier or organization, that an enrollee's receipt of a healthcare service is a covered benefit under the applicable plan and that a requirement of medical necessity or other requirements imposed by such utilization review organization as prerequisites for payment for such services have been satisfied;

(18) "Urgent care request" has the same meaning as defined in § 56-61-102; and

(19) "Utilization review organization" means:

(A) A health carrier or other entity, including a designee of such carrier or entity, that reviews or issues prior authorizations for a health carrier; and

(B) A health maintenance organization, or another individual or entity that provides, offers to provide, or administers hospital, outpatient, medical, behavioral health, prescription drug, or other health benefits to a person treated by a healthcare provider in this state under a health insurance policy, plan, or contract.

**56-7-3603. Requirements for initial adverse determinations.**

(a) If a health carrier or utilization review organization makes an adverse determination for a prior authorization, then the carrier or organization shall include the following in the notification to the enrollee and the enrollee's healthcare provider requesting the prior authorization on the enrollee's behalf:

- (1) The reasons for the adverse determination and related evidence-based criteria, including a description of missing or insufficient documentation or lack of coverage of the enrollee for the healthcare service;
- (2) The right to appeal the adverse determination;
- (3) Instructions on how to file the appeal; and
- (4) Additional documentation necessary to support the appeal.

(b) An adverse determination regarding a request for prior authorization for a healthcare service must be made by a licensed physician or a healthcare professional with the same or a similar specialty as the healthcare professional requesting the prior authorization.

(c) This section does not apply to an initial adverse determination for prescription drugs that are covered under a prescription drug benefit plan.

**56-7-3604. Appeals of an initial adverse determination.**

(a) A utilization review organization shall ensure that all prior authorization adverse determination appeals are reviewed or made by a licensed physician or healthcare professional with the same or a similar specialty as the healthcare professional who requested the initial prior authorization. The reviewing healthcare professional shall:

- (1) Possess a current and valid non-restricted license to practice in this state or another state or territory of the United States;
  - (2) Be knowledgeable of, and have experience providing, the healthcare services under appeal;
  - (3) Not have been directly involved in making the adverse determination;
- and
- (4) Consider all known clinical aspects of the healthcare service under review, including, but not limited to, a review of all pertinent medical records provided by the enrollee's healthcare provider, and any medical literature provided.

(b) Utilization review organizations shall perform:

- (1) A non-urgent prior authorization review within five (5) calendar days;
- and
- (2) An urgent care prior authorization review within twenty-four (24) hours

(c) A health carrier or utilization review organization, or a healthcare professional on its behalf, shall not receive compensation as an incentive for issuing an adverse decision.

**56-7-3605. Prior authorization submissions.**

(a) A prior authorization request under this section that has not been submitted as an urgent care request by the healthcare provider is deemed approved if the health carrier or utilization review organization, or its designee, fails to approve or deny the

request, or request all additional information needed to make a decision, from the healthcare provider within five (5) calendar days after the date and time of submission of the prior authorization request. The healthcare provider or utilization review organization has an additional five (5) calendar days to process the prior authorization once the healthcare provider submits the requested additional information. The prior authorization request process must not exceed ten (10) calendar days.

(b) A prior authorization request under this section that has been submitted as an urgent care request by the healthcare provider is deemed approved by the health carrier or utilization review organization if the health carrier or utilization review organization fails to approve or deny the request, or request all additional information needed to make a decision within twenty-four (24) hours after the date and time of submission of the prior authorization request. The healthcare provider shall submit requested additional information within twenty-four (24) hours of receiving a request for additional information. If additional information is requested, then the prior authorization request is deemed approved by the health carrier or utilization review organization if it fails to grant the request, deny the request, or otherwise respond to the request of the healthcare provider within twenty-four (24) hours after the date and time of the submission for all requested additional information.

(c) A health carrier that provides coverage for emergency services in an emergency department of a hospital or freestanding emergency department shall reimburse the healthcare provider for these services and shall not require a prior authorization or notification for the emergency services.

(d) A healthcare professional must submit a request for a prior authorization at least five (5) calendar days prior to the provision of the service or therapy for non-urgent prior authorizations.

(e) This section applies only to electronic submissions, unless the utilization review entity or health carrier does not allow electronic submission of prior authorizations.

**56-7-3606. Chronic conditions.**

(a) If a prior authorization is required for a healthcare service for the treatment of a chronic condition, then the prior authorization remains valid for at least six (6) months from the date the healthcare professional or provider receives the prior authorization approval or the length of the treatment, as determined by the enrollee's healthcare professional or provider.

(b) This section does not apply to the requirements of a prior authorization that are required for the prescription of benzodiazepines or Schedule II narcotic drugs, including opioids.

(c) If prior authorization is required for a prescription drug for the treatment of a chronic condition, then the prior authorization remains valid for at least one (1) year from the date the healthcare professional or provider receives the prior authorization approval or the length of the treatment, as determined by the patient's healthcare professional or provider where clinically appropriate.

(d) This section does not require a policy of health insurance coverage to cover care, treatment, or services for a health condition that the terms of coverage otherwise completely exclude from the policy's covered benefits without regard for whether the care, treatment, or services are medically necessary.

**56-7-3607. Clinical criteria.**

(a) A health carrier shall maintain a complete list of healthcare services for which a prior authorization is required.

(b) The clinical review criteria for healthcare services requiring prior authorization must:



- (1) Be based on nationally recognized, generally accepted standards for national, clinical criteria, except where state law provides its own standard;
- (2) Not be arbitrary and must be cited by the utilization review organization;
- (3) Be developed in accordance with the current standards of a national medical accreditation entity;
- (4) Ensure quality of care and access to needed healthcare services;
- (5) Be evidence-based;
- (6) Be sufficiently flexible to allow deviations from norms when justified on a case-by-case basis; and
- (7) Be evaluated and updated in accordance with § 56-7-3619.

(c) A claim for failure to obtain prior authorization must not be denied if the prior authorization requirement was not in effect on the date of service on the claim.

**56-7-3608. Electronic prior authorization.**

(a) A health carrier or utilization review organization shall accept and respond electronically to prior authorization requests from a healthcare provider submitted through a secure electronic transmission as determined by the carrier or organization.

(b) If a prior authorization for a prescription is submitted electronically using the National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard for electronic prior authorization (ePA) transactions, then the health carrier or utilization review organization must accept and respond to the prior authorization request using the NCPDP SCRIPT Standard for ePA transactions.

(c) This section does not require a healthcare professional to submit prior authorization requests electronically.

**56-7-3609. Expiration date for a prior authorization.**

(a) Except as provided in § 56-7-3606, a prior authorization is valid for at least six (6) months from the date the prior authorization is approved. This subsection (a)

applies even if changes in dosage amounts of a drug or medication are made by the healthcare provider.

(b) This section does not apply to the prescription of benzodiazepines or Schedule II narcotic drugs, including opioids.

**56-7-3610. Thresholds.**

(a) A health carrier and utilization review organization shall implement the practice-level threshold in subsection (b) or the healthcare provider threshold in subsection (c), as applicable.

(b)

(1) Beginning on January 1, 2026, the "Ninety-five percent (95%) threshold standard" or "standard" is effective for purposes of health plan evaluation of practices.

(2) Beginning on January 1, 2027, all practices that meet the standard must be enrolled by this date.

(3) A practice is exempt from completing a prior authorization for a healthcare service if, in the most recent twelve-month period as recorded by the health carrier or utilization review organization, not less than ninety-five percent (95%) of the prior authorization requests would have been approved based on a random sample of at least twenty (20) claims for a particular healthcare service from the entire practice.

(4) Sample claims described in subdivision (b)(1) must be selected from random claims data, without method or conscious decision, for the purpose of evaluating a practice's eligibility, or continued eligibility, for a prior authorization exemption. The data used must not come from the practice's medical records. The period for review of the samples must take place in the twenty-four-month period prior to the approval or denial of a prior authorization exemption.

(5) A health carrier or utilization review organization may evaluate whether a practice qualifies for exemptions as described in this subsection (b) not more than once every twelve (12) months. This section does not require a health carrier or utilization review organization to evaluate an existing exemption or prevent a health carrier or utilization review organization from establishing a longer exemption period.

(6) A practice is not required to request an exemption in order to qualify for an exemption.

(7) A practice that does not receive an exemption may request an exemption at any time, but not more than once per year per service, all evidence used to support the decision not to exempt the practice from a prior authorization requirement. A practice may appeal a decision to deny an exemption under an appeals process established by each health carrier or utilization review organization.

(8) A health carrier or utilization review organization shall only revoke an exemption at the end of the twelve-month period if the health carrier or utilization review organization:

(A) Makes a determination that the practice would not have met the ninety-five percent (95%) approval criteria based on a retrospective review of the claims for the particular service during a review of prior authorization requests permitted under subdivisions (b)(3) and (4);

(B) Provides the practice with all information it relied upon in making its determination to deny or revoke the exemption; and

(C) Provides the practice a plain language explanation of how to appeal the decision.

(9) An exemption is revoked effective on the thirtieth day after the date the practice is notified of the determination to deny or revoke the exemption or, if the practice loses the appeal, then the fifth day after the revocation is upheld.

(10) A determination to deny or revoke an exemption must be made by a licensed physician who practices in the same or a similar specialty as the practice being considered for an exemption. The reviewing physician must have at least five (5) years of experience providing the healthcare service for which the exemption applies.

(11) A utilization review organization and health carrier shall provide a practice that receives an exemption a notice that includes:

(A) A statement that the practice qualifies for an exemption from prior authorization requirements;

(B) A list of services to which each exemption applies; and

(C) A statement of the dates during which the exemption applies.

(12) A health carrier or utilization review organization shall not deny or reduce payment for a healthcare service exempted from a prior authorization requirement under this section, including a healthcare service performed or supervised by another practice, when the practice that ordered such service received a prior authorization exemption, unless the rendering practice:

(A) Knowingly and materially misrepresented the healthcare service in request for payment submitted to the utilization review organization or health carrier with the specific intent to deceive and obtain an unlawful payment; or

(B) Failed to substantially perform the healthcare service.

(13) This section:

(A) Does not prevent a utilization review organization or health carrier from implementing the ninety-five percent (95%) practice threshold prior to January 1, 2027; and

(B) Applies only to electronic submissions from the practice to the health carrier or utilization review organization.

(c)

(1) Beginning on January 1, 2026, the "Ninety percent (90%) threshold standard" or "standard" is effective for purposes of health plan evaluation of healthcare providers.

(2) Beginning on January 1, 2027, all healthcare providers who meet the standard must be enrolled by this date.

(3) A healthcare provider is exempt from completing a prior authorization for a healthcare service if, in the most recent twelve-month period as recorded by the health carrier or utilization review organization, not less than ninety percent (90%) of the prior authorization requests would have been approved based on a random sample of at least twenty (20) claims for a particular healthcare service from the healthcare provider.

(4) Sample claims described in subdivision (c)(3) must be selected from random claims data, without method or conscious decision, for the purpose of evaluating a healthcare provider's eligibility, or continued eligibility, for a prior authorization exemption. The data used must not come from the healthcare provider's medical records. The period for review of the samples must take place in the twenty-four-month period prior to the approval or denial of a prior authorization exemption.

(5) A health carrier or utilization review organization may evaluate whether a healthcare provider qualifies for exemptions as described in this subsection (c) not more than once every twelve (12) months. This section does

not require a health carrier or utilization review organization to evaluate an existing exemption or prevent a health carrier or utilization review organization from establishing a longer exemption period.

(6) A healthcare provider is not required to request an exemption in order to qualify for an exemption.

(7) A healthcare provider who does not receive an exemption may request an exemption at any time, but not more than once per year per service, all evidence used to support the decision not to exempt a healthcare provider from a prior authorization requirement. A healthcare provider may appeal a decision to deny an exemption under an appeals process established by each health carrier or utilization review organization.

(8) A health carrier or utilization review organization may only revoke an exemption at the end of the twelve-month period if the health carrier or utilization review organization:

(A) Makes a determination that the healthcare provider would not have met the ninety percent (90%) approval criteria based on a retrospective review of the claims for the particular service during a review of prior authorization requests permitted under subdivisions (c)(3) and (4);

(B) Provides the healthcare provider with all information it relied upon in making its determination to deny or revoke the exemption; and

(C) Provides the healthcare provider a plain language explanation of how to appeal the decision.

(9) An exemption is revoked effective on the thirtieth day after the date the healthcare provider is notified of the determination to deny or revoke the exemption or, if the healthcare provider loses the appeal, then the fifth day after the revocation is upheld.

(10) A determination to deny or revoke an exemption must be made by a licensed physician in the same or a similar specialty as the healthcare provider being considered for an exemption. The reviewing physician must have at least five (5) years of experience in providing the service for which the exemption applies.

(11) A utilization review organization or health carrier shall provide a healthcare provider that receives an exemption a notice that includes:

- (A) A statement that the healthcare provider qualifies for an exemption from preauthorization requirements;
- (B) A list of services for which each exemption applies; and
- (C) A statement of the dates during which the exemption applies.

(12) A health carrier or utilization review organization shall not deny or reduce payment for a healthcare service exempted from a prior authorization requirement under this section, including a healthcare service performed or supervised by another healthcare provider, when the healthcare provider who ordered such service received a prior authorization exemption, unless the rendering healthcare provider:

- (A) Knowingly and materially misrepresented the healthcare service in request for payment submitted to the utilization review organization or health carrier with the specific intent to deceive and obtain an unlawful payment; or
- (B) Failed to substantially perform the healthcare service.

(13) This section:

- (A) Does not prevent a utilization review organization or health carrier from implementing the ninety (90%) percent healthcare provider threshold prior to January 1, 2027; and

(B) Applies only to electronic submissions from the healthcare provider to the health carrier or utilization review organization.

(d) This section does not apply to prescription drugs that are part of a prescription drug benefit plan.

(e) At the discretion of the utilization review organization or health carrier, prescription drugs used to treat chronic conditions may be eligible under either threshold described in subsection (b) or (c).

**56-7-3611. Prior authorization and opioid use disorder.**

(a) A utilization review organization and health carrier shall not require prior authorization for the treatment of opioid use disorder.

(b) This section does not require a policy to cover any care, treatment, or services for a health condition that the terms of coverage otherwise completely exclude from the policy's covered benefits without regard for whether the care, treatment, or services are medically necessary unless otherwise required by law.

**56-7-3612. Medical necessity.**

(a) Prior to issuing an adverse determination, the utilization review organization or health carrier shall notify the healthcare provider requesting the prior authorization that the utilization review organization or health carrier is questioning the medical necessity of the healthcare service. Such notice must include a direct phone number and hours of business operation of the utilization review organization's or health carrier's physician with decision-making authority to review the prior authorization.

(b) Prior to the issuance of an adverse determination, the enrollee's healthcare provider must have the opportunity to discuss the medical necessity of the healthcare service directly with the healthcare professional who will be responsible for determining prior authorization of the healthcare service under review.

(c) The medical necessity or appropriateness of emergency healthcare services must not be based on whether those services were provided by participating or



nonparticipating providers. Restrictions on coverage of emergency healthcare services provided by nonparticipating providers must not be greater than restrictions that apply when participating providers provide those services.

(d) This section does not apply to prescription drugs that are part of a prescription drug benefit plan.

**56-7-3613. Changing prior authorization requirements.**

(a) A health carrier or utilization review organization shall provide notice to healthcare providers in its network of each new prior authorization requirement, or restriction or amendment to an existing prior authorization requirement, at least sixty (60) days prior to the effective date of the change.

(b) A health carrier or utilization review organization shall provide notice to healthcare providers in its network of each new prior authorization requirement, or restriction or amendment to an existing prior authorization requirement, for a prescription drug at least forty-five (45) days prior to the effective date of the change unless any of the following apply:

(1) The United States food and drug administration has:

(A) Issued a statement that calls into question the clinical safety of the drug;

(B) Required the manufacturers to conduct post-market safety studies and clinical trials after the approval of the drug;

(C) Issued any drug safety-related labeling changes; or

(D) Required the manufacturers to implement special risk management programs;

(2) The drug receives a new approval from the United States food and drug administration and has become available; or

(3) The United States food and drug administration has approved expanded use of the drug.

(c) Notice required by this section must be distributed through:

(1) The utilization review organization's or health carrier's website or the healthcare provider's portal; and

(2) Written communication sent to a dedicated email address and regular mailing address for the healthcare provider or as stipulated in the contract between the healthcare provider and the utilization review organization or health carrier. The healthcare provider may be required to submit a dedicated email address and regular mailing address to receive the notices required by this subsection (c).

**56-7-3614. Payment.**

(a) A health carrier shall pay a healthcare provider at the contracted payment rate for a healthcare service provided by the healthcare provider per an approved prior authorization unless:

(1) The healthcare provider knowingly and materially misrepresented the healthcare service in the prior authorization request with the specific intent to deceive and obtain an unlawful payment from the health carrier;

(2) The healthcare provider was no longer contracted with the patient's health benefit plan on the date the healthcare service was provided;

(3) The healthcare provider failed to meet the timely filing requirements of the utilization review organization or health carrier; or

(4) The utilization review organization or health carrier does not have liability for a claim.

(b) A health carrier or utilization review organization shall pay a healthcare provider for performing a healthcare service if the prior authorization for the service was obtained by another healthcare provider.

(c) The health carrier or utilization review organization shall reimburse the enrollee or healthcare provider for healthcare services retroactively deemed medically necessary regardless of when prior authorization was approved.

(d) Payment must be guaranteed when a prior authorization submitted under § 56-7-3605 is approved.

(e) This section does not apply to prescription drugs that are covered under a prescription drug benefit plan.

**56-7-3615. Prior authorization transfers.**

(a) Upon receipt of information documenting a prior authorization from the enrollee or from the enrollee's healthcare provider, a prior authorization granted to an enrollee from a previous utilization review organization or health carrier must be honored for at least the initial ninety (90) days of an enrollee's coverage under a new health benefit plan.

(b) During the time period described under subsection (a), a health carrier or utilization review organization may perform its own review to approve or deny the prior authorization approved by the enrollee's previous health benefit plan effective when the initial ninety-day period expires.

(c) If there is a change in coverage of, or approval criteria for, a previously authorized healthcare service, then the change in coverage or approval criteria must not affect an enrollee who received prior authorization before the effective date of the change for the remainder of the enrollee's health benefit plan year.

(d) A health carrier or utilization review organization shall continue to honor a prior authorization it has granted to an enrollee when the enrollee changes products carried or administered by the same health carrier or utilization review organization.

**56-7-3616. Related service.**

(a) A utilization review organization or health carrier shall not deem as incidental or deny claims for supplies or healthcare services that are routinely used as part of a healthcare service when:

- (1) A closely related service has received prior authorization; or
- (2) Prior authorization for the healthcare service is not required.

(b) As used in this section, "closely related service" means a similar service to the service allowed by prior authorization and required by the standard of care.

**56-7-3617. Reviewer criteria.**

(a) A health carrier or utilization review organization is responsible for monitoring all utilization review activities performed on its behalf and for ensuring that all requirements of this chapter and applicable rules are met.

(b) The health carrier or utilization review organization shall ensure that appropriate personnel have operational responsibility for the conduct of the utilization review program.

(c) Whenever a health carrier contracts with a utilization review organization to perform services subject to this part or applicable rules, the commissioner shall hold the health carrier responsible for monitoring the activities of such utilization review organization and for ensuring that the requirements of this part and applicable rules are met.

(d) A utilization review organization or health carrier shall use clinical criteria as specified in § 56-7-3607(b).

(e) Qualified healthcare professionals shall administer the utilization review program and oversee utilization review decisions. Except as provided in § 56-7-3612, an initial review of a prior authorization request may be completed without providing the treating healthcare provider with the opportunity to speak with a clinical peer. Such an opportunity must be provided before an appeal.

**56-7-3618. Statistics.**

(a) A health carrier or utilization review organization requiring prior authorization shall make de-identified aggregate statistics available by service code regarding prior authorization approvals and denials on its website in a readily accessible format. The commissioner shall determine the information required in order to comply with this section and in accordance with applicable state and federal privacy laws. Such statistics include, but are not limited to:

- (1) The number of initial prior authorization requests that were approved or denied during the previous benefit plan year by the health carrier or utilization review organization;
- (2) The reason for denial;
- (3) The number of prior authorization requests that were appealed;
- (4) The number of appeals overturned and the number granted;
- (5) The time between submission of an initial prior authorization request and response;
- (6) The top five (5) reasons for denial;
- (7) The average time between submission and response for an initial prior authorization request;
- (8) The average time between submission and response for an appeal of a prior authorization denial; and
- (9) Any other information that the commissioner determines appropriate.

**56-7-3619. Prior authorization requirements.**

A health carrier or utilization review organization shall, at least quarterly, review its prior authorization requirements and consider removal of prior authorization where a prescription or medical service check is customary and properly indicated or is a treatment for the clinical indication as supported by peer-reviewed medical publications.

**56-7-3620. Website notice requirements.**

(a) A health carrier or utilization review organization shall make all current prior authorization requirements readily accessible on its website to healthcare providers.

(b) The website must indicate each service subject to prior authorization while satisfying the following requirements:

- (1) Putting the lettering and notification for each service in bold typeface;
- (2) Indicating when prior authorization became required for policies issued or delivered in this state, including the termination date or dates, if applicable;
- (3) Identifying the date when the Tennessee-specific requirement was listed on the health carrier's or its contracted review utilization review organization's website;
- (4) Providing the date the prior authorization requirement was removed from the Tennessee-issued policy, if applicable; and
- (5) Providing access to a standardized electronic prior authorization request transaction process, if applicable.

SECTION 5. If a provision of this act, or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this 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. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 7. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, unless otherwise specified in this act, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Samuel A. Whitson*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 694**

**House Bill No. 186\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Bureau" means the bureau of TennCare;

(2) "Healthcare provider" means a healthcare professional who is licensed, registered, certified, or permitted pursuant to title 63 and regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health; and

(3) "Vagus nerve stimulation therapy device" or "VNS therapy device" means a medical device that is:

(A) Implanted in the left chest area with a lead wire that is surgically secured to the left vagus nerve and that sends mild electrical pulses through the vagus nerve that innervate to areas in the brain in an effort to control seizures; and

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

(b) The bureau shall develop and implement a pilot program during fiscal years 2023-2024 and 2024-2025 to provide supplemental payment to a hospital or ambulatory surgical treatment center that, at the direction of a healthcare provider, purchases a VNS therapy device and implants the device into a qualified patient.



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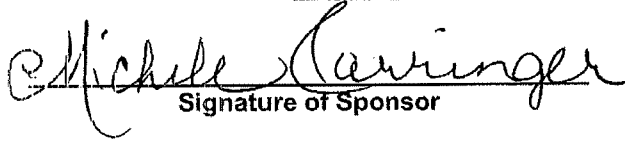
(c) A hospital or ambulatory surgical treatment center is eligible to receive a supplemental payment for a VNS therapy device that is provided to a TennCare recipient under this section, if:

- (1) The recipient has drug-resistant epilepsy;
- (2) The managed care organization determines that a VNS therapy device is medically necessary pursuant to this title;
- (3) The recipient's healthcare provider and managed care organization determine the recipient has an increased likelihood of experiencing a higher risk of hospitalization if seizures persist; and
- (4) The hospital or ambulatory surgical treatment center is reimbursed an amount that is less than the full cost of the VNS therapy device by a managed care organization under contract with the bureau.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 177\***

**House Bill No. 567**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Bureau" means the bureau of TennCare;

(2) "Director" means the director of TennCare;

(3) "Healthcare provider" means a healthcare professional who is licensed, registered, certified, or permitted pursuant to title 63 and regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health; and

(4) "Remote maternal health services":

(A) Means the use of digital technology:

(i) To collect medical and other forms of health data from a patient and electronically transmitting that information securely to a healthcare provider in a different location for interpretation and recommendation; and

(ii) Through a device that is compliant with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.) and approved by the federal food and drug administration; and

(B) Includes a device that:



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(i) Performs remote fetal monitoring, including maternal heart rate, fetal heart rate, amniotic fluid, placenta location, fetal presentation, tone, and movement;

(ii) Measures physiological data, including blood pressure, pulse, pulse oximetry, weight, blood glucose levels, or other physiologic data determined to be medically necessary;

(iii) Uses remote non-stress test technology;

(iv) Uses remote ultrasound technology; or

(v) Uses Doppler effect technology.

(b) The bureau shall develop and implement a pilot program during fiscal years 2023-2024, 2024-2025, and 2025-2026 to provide:

(1) Remote maternal health services to a TennCare recipient who meets the eligibility criteria of subsection (c);

(2) Medically necessary remote maternal health services to a TennCare recipient eligible under subsection (c) for up to twelve (12) months postpartum; and

(3) Payment to healthcare providers who provide remote maternal health services that includes the cost of the remote patient monitoring devices being used.

(c) A TennCare recipient is eligible to receive remote maternal health services pursuant to the pilot program established by this section, if:

(1) The recipient is pregnant;

(2) The recipient's healthcare provider makes a referral to the recipient's managed care organization for a determination that:

(A) The recipient's maternal health needs are capable of being met through maternal health services; and

(B) The recipient meets the remote maternal health pilot program criteria;

(3) The recipient's managed care organization determines:

(A) The recipient has an increased likelihood of experiencing a higher-risk pregnancy. Clinical conditions or factors that may be considered include the presence of:

(i) Existing health conditions that are reasonably known to be associated with high-risk pregnancies and that are capable of being monitored remotely;

(ii) Age factors, including teenage pregnancy or pregnancy after thirty-five (35) years of age;

(iii) Lifestyle factors, such as alcohol, tobacco, or drug use; or

(iv) Conditions of pregnancy, including multiple gestation, gestational diabetes, preeclampsia, eclampsia, previous preterm births, or birth defects or genetic conditions in the fetus; or

(B) The recipient lives in a county without a licensed obstetrician/gynecologist who participates in TennCare; and

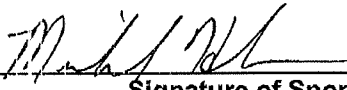
(4) The recipient's managed care organization determines the remote maternal health services meet the criteria of § 71-5-144.

(d) The director is authorized to seek a federal waiver that the director determines is necessary to implement the pilot program described in this section.

(e) The pilot program created by this section terminates June 30, 2026.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1197**

**House Bill No. 1173\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Funeral director" means an individual who is:

(A) Engaged in the practice of funeral directing, as defined in § 62-5-101; and

(B) Licensed pursuant to § 62-5-305;

(2) "Funeral establishment" has the same meaning as defined in § 62-5-101;

(3) "Life insurance" has the same meaning as defined in § 56-2-201; and

(4) "Life insurer" means an entity that writes, issues, or otherwise provides life insurance contracts in this state, including an insurance company, annuity company, or trust company.

(b)

(1) A funeral director or funeral establishment providing funeral services for a deceased person insured or believed to be insured under a contract of life insurance or under a group life insurance policy may request information regarding the deceased person's life insurance contracts by providing a life insurer with:

(A) Information of a notification of death;



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(B) Written authorization from the person or persons with legal authority to direct disposition of the deceased's body pursuant to §§ 62-5-703 - 62-5-706; and

(C) In the case of a person covered or believed to be covered under a group life insurance policy, the affiliation of the deceased entitling the deceased to coverage under the group life insurance policy.

(2) Information required by subdivisions (b)(1)(A)-(C) must be provided to a designated email address provided by the life insurer on its website or in another manner prescribed by the life insurer.

(c) Notwithstanding statutes or rules related to protecting personal financial information, a funeral director or funeral establishment may make an inquiry regarding the following for purposes of compliance with this section:

(1) The existence of a contract insuring the life of the deceased person;

(2) Confirmation that the person who signed the form is or is not a beneficiary on record under any life insurance contract insuring the life of the deceased person; and

(3) Confirmation that the life insurance policy may or may not be of a benefit amount that will cover the planned funeral arrangements.

(d) The life insurer shall provide the information requested pursuant to this section to the funeral director or funeral establishment no later than five (5) business days after receiving all of the information required by subsection (b).

(e) Information provided by the life insurer does not require the life insurer to pay such proceeds in a manner other than required pursuant to the contract of life insurance.

(f) The life insurer must be held harmless for information provided pursuant to this statute, including, but not limited to, whether the policy proceeds are collateral for an outstanding loan, are otherwise committed, or are not available to pay or cover the funeral expenses.

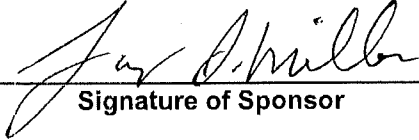
(g) If the life insurer fails to provide the information requested pursuant to subsection (b), then the funeral director or funeral establishment may file a complaint with the department. The complaint must include all the information provided to the life insurer under subsection (b) as well as copies of all communications and information received from the life insurer regarding the request for information.

(h) The funeral director or funeral establishment must inform all beneficiaries and each person with legal authority to direct disposition of the deceased's body in writing in bold print that the beneficiary of a life insurance policy has no legal duty or obligation to spend all or a portion of the life insurance policy money on the funeral, debts, or obligations of the deceased before discussing the financial arrangements for burial of the deceased.

(i) This section does not preempt or alter the terms of a contract for life insurance, and information provided by the life insurer does not affect or waive contractual requirements under or defenses to the claim.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1269**

**House Bill No. 1443\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 71-5-126, is amended by deleting the section and substituting instead the following:

The governor may expand medicaid eligibility based on age, income, or other appropriate demographic factors, solely for mental health prevention and treatment in accordance with the Patient Protection and Affordable Care Act, Public Law 111-148. The governor may negotiate with the centers for medicare and medicaid services with respect to the terms of medicaid expansion.

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

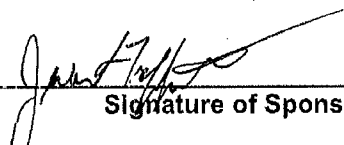


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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND** Senate Bill No. 1275

**House Bill No. 874\***

by deleting subsection (c) in SECTION 1 and redesignating the remaining subsections accordingly.

**AND FURTHER AMEND** by deleting "Prohibit an" and substituting instead "An" in subdivision (e)(2) in SECTION 1.



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Amendment No. \_\_\_\_\_

*Iris R. Rudder*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 502\***

**House Bill No. 916**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Clinician-administered drug" means an outpatient prescription drug, other than a vaccine:

(A)

(i) That cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration; or

(ii) For which the prescriber has ordered administration by a healthcare provider; and

(B) Is administered:

(i) By a healthcare provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and

(ii) In a physician's office; an outpatient infusion center, including, but not limited to, a hospital-based outpatient infusion center; or another clinical setting;

(2) "Commercial health insurance policy" means health insurance coverage through a policy issued by a health insurance entity under which:



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(A) The insurance risk is borne by the health insurance entity; and

(B) The premiums are not paid by any governmental source;

(3) "Covered person" means a policyholder, subscriber, enrollee, or other individual entitled to benefits under a contract for health insurance coverage issued by a health insurance entity;

(4) "Health insurance coverage" has the same meaning as set forth in § 56-7-109;

(5) "Health insurance entity":

(A) Means an entity subject to the insurance laws of this state, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts or offers to contract to provide health insurance coverage, including, but not limited to, an insurance company, a health maintenance organization, and a nonprofit hospital and medical service corporation; and

(B) Does not include a managed care organization that is participating in the medical assistance program under title 71, chapter 5;

(6) "Healthcare provider" means an individual acting within the scope of a valid license issued pursuant to title 63, a facility licensed pursuant to title 33 or title 68, an outpatient infusion center, or another facility where clinician-administered drugs are administered in a clinical setting;

(7) "Medical necessity criteria" does not include the location where a clinician-administered drug is administered;

(8) "Participating healthcare provider" means a healthcare provider with whom a health insurance entity has a network provider agreement or contract;

(9) "Specialty pharmacy" means a pharmacy that has the capability of dispensing clinician-administered drugs; and

(10) "Specialty pharmacy network" means a network of specialty pharmacies established by a health insurance entity for the purpose of making clinician-administered drugs available to covered persons.

(b)

(1) Except as provided in subdivision (b)(2), a health insurance entity shall not condition, deny, restrict, refuse to authorize or approve, fail to cover, or reduce payment to a participating healthcare services provider for a clinician-administered drug because:

(A) The clinician-administered drug is purchased and administered by a participating healthcare services provider; or

(B) The participating healthcare services provider obtained the clinician-administered drug from a pharmacy that is not a contracted provider in the health insurance entity's network.

(2) A health insurance entity shall comply with subdivision (b)(1) only if:

(A) The terms of the health insurance contract that do not conflict with subdivision (b)(1), including the covered person's health insurance coverage benefits and medical necessity criteria, can also be met; and

(B) The clinician-administered drug meets the requirements set forth in the federal Drug Supply Chain Security Act (Pub. L. No. 113-54), as amended.

(c) A health insurance entity shall pay a participating healthcare services provider at the provided rate for the clinician-administered drug in the health insurance entity's agreement with the participating healthcare services provider, or, if no rate is included in the agreement, at a rate not less than the health insurance entity's median rate of reimbursement currently payable to all providers in the health insurance entity's provider network for the clinician-administered drug.

(d) A health insurance entity shall not require a covered person to pay an additional fee or other increased cost-sharing amount for a clinician-administered drug solely because:

- (1) The drug is purchased and administered by a healthcare provider; or
- (2) The drug is obtained from a pharmacy that is not a contracted provider in the health insurance entity's network.

(e) A health insurance entity shall not authorize or permit another person or entity acting on its behalf to administer claims or benefits under a health insurance contract in violation of this section.

(f) This section does not prohibit a health insurance entity from establishing differing copayments or other cost-sharing amounts within the health insurance contract for a covered person who receives a clinician-administered drug from a healthcare services provider who is not contracted with the health insurance entity.

(g) This section does not prohibit a health insurance entity from refusing to authorize, approve, or deny coverage of a clinician-administered drug based upon a failure to satisfy the required terms of coverage in the health insurance contract, including, but not limited to, medical necessity criteria.

(h) A health insurance entity that has established a specialty pharmacy network shall establish a process under which requests for authorization by a healthcare provider to administer clinician-administered drugs are handled in accordance with this subsection (h). If the healthcare provider treating the covered person requests expedited review on the basis that the failure of the covered person to receive the clinician-administered drug for which authorization is sought creates an imminent risk of significant adverse consequences to the covered person, then the health insurance entity shall provide expedited review and determination. Failure of a health insurance entity to provide an expedited review and determination precludes the health insurance

entity from denying reimbursement for the clinician-administered drug on the basis of lack of medical necessity or preauthorization. As used in this subsection (h), "expedited review and determination" means review and a decision whether to authorize the clinician-administered drug within two (2) hours of receipt of the request by the health insurance entity.

(i)

(1) Except as provided in subsection (h), a health insurance entity's specialty pharmacy network for its commercial health insurance policies in existence as of the effective date of this act is not subject to the requirements of this section, as long as:

(A) The health insurance entity does not control, directly or through an affiliate, a specialty pharmacy that is participating in the health insurance entity's specialty pharmacy network;

(B) The health insurance entity contracts with specialty pharmacies in this state at rates no less than the median of reimbursement rates applicable to other specialty pharmacies in the network and with the same terms and conditions applicable to other specialty pharmacies in the network; provided, that a specialty pharmacy seeking inclusion in the network meets the reasonable credentialing standards established by the health insurance entity;

(C) When a healthcare provider participating in the health insurance entity's provider network obtains a clinician-administered drug for a covered person from a source other than the health insurance entity's specialty pharmacy network, the health insurance entity reimburses the participating healthcare provider in an amount no less

than the amount that would apply if the clinician-administered drug had been obtained from a pharmacy in the specialty pharmacy network; and

(D) All specialty pharmacies participating in the health insurance entity's specialty pharmacy network establish a process to:

(i) Accept applications for discounts and verify the income qualifications for such discounts; and

(ii) Discount the portion of the cost of a clinician-administered drug for which the covered person is responsible under the terms of the health coverage, with the discount being no less than the following:

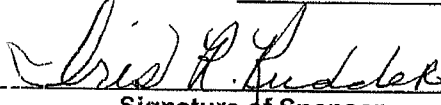
(a) A fifty percent (50%) discount for patients at or below two hundred percent (200%) of the federal poverty level; and

(b) A one hundred percent (100%) discount for patients at or below one hundred percent (100%) of the federal poverty level.

(2) As used in subdivision (i)(1)(D)(ii), "federal poverty level" means the poverty guidelines updated periodically in the federal register by the United States department of health and human services.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts for health insurance entered into, amended, or renewed on or after that date.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND** Senate Bill No. 667\*

House Bill No. 920

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

**56-7-3124. Fairness in cost sharing.**

(a) As used in this section:

(1) "Defined cost sharing" means a deductible payment or coinsurance amount imposed on an enrollee for a covered prescription drug under an enrollee's health plan;

(2) "Insurer" means a health insurance issuer that is subject to state law regulating insurance and offers health insurance coverage, as defined in 42 U.S.C. § 300gg-91, or another state or local governmental employer plan;

(3) "Pharmacy benefit management service" means:

(A) Negotiating the price of prescription drugs, including negotiating and contracting for direct or indirect rebates, discounts, or other price concessions;

(B) Managing all aspects of a prescription drug benefit, including but not limited to, the processing and payment of claims for prescription drugs, arranging alternative access to or funding for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies,



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controlling the cost of covered prescription drugs, managing or providing data relating to the prescription drug benefit, or the provision of services related thereto;

(C) Performing all administrative, managerial, clinical, pricing, financial, reimbursement, data administration or reporting, or billing services; and

(D) Performing such other services as the commissioner may define by rule;

(4) "Pharmacy benefit manager" means a person that, pursuant to a written agreement with an insurer or health plan, either directly or indirectly, provides one (1) or more pharmacy benefit management services on behalf of the insurer or health plan, and an agent, contractor, intermediary, affiliate, subsidiary, or related entity of such person who facilitates, provides, directs, or oversees the provision of the pharmacy benefit management services;

(5) "Price protection rebate" means a negotiated price concession that accrues directly or indirectly to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, in the event of an increase in the wholesale acquisition cost of a drug above a specified threshold; and

(6) "Rebate" means:

(A) Negotiated price concessions, including, but not limited, to base price concessions, whether described as a rebate or otherwise, and reasonable estimates of price protection rebates and performance-based price concessions that may accrue directly or indirectly to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, during the coverage year from a manufacturer, dispensing pharmacy, or other party in connection with the dispensing or administration of a prescription drug, and



(B) Reasonable estimates of negotiated price concessions, fees, and other administrative costs that are passed through, or are reasonably anticipated to be passed through, to the insurer, or other party on behalf of the insurer, including a pharmacy benefit manager, and serve to reduce the insurer's liabilities for a prescription drug.

(b)

(1) An enrollee's defined cost sharing for each prescription drug must be calculated at the point of sale based on a price that is reduced by an amount equal to at least one hundred percent (100%) of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug.

(2) The pharmacy benefit manager must pass through to each enrollee at the point of sale a good faith estimate of the enrollee's decrease in cost sharing required pursuant to subdivision (b)(1).

(3) The pharmacy benefit manager shall subsequently provide the enrollee with an end-of-year reconciliation for cost sharing reductions owed to the enrollee, as required pursuant to subdivision (b)(1), that were not passed on to the enrollee through the estimated amount at point of sale.

(c) Subsections (a) and (b) do not prohibit a pharmacy benefit manager from decreasing an enrollee's defined cost sharing by an amount greater than that required under subdivision (b)(1).

(d) In implementing this section, the state shall only regulate an insurer or pharmacy benefit manager to the extent permissible under applicable law.

(e) Notwithstanding the requirements and limitations under § 56-7-3101, the commissioner may request that a pharmacy benefit manager disclose information sufficient to show compliance with this section, including, but not limited to, wholesale acquisition costs and actual amounts of rebates. A pharmacy benefit manager shall

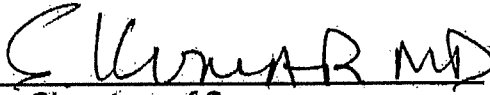
timely disclose such information if requested by the commissioner, and such disclosure must be made in the manner and form prescribed by the commissioner. In complying with this section, a pharmacy benefit manager and the commissioner, and their respective agents, shall not publish or otherwise reveal information regarding the actual amount of rebates an insurer receives on a product or therapeutic class of products from a manufacturer or on a pharmacy-specific basis. Such information is protected as a trade secret and is not a public record under § 10-7-503, and must not be disclosed directly or indirectly, or in a manner that would allow for the identification of an individual product, therapeutic class of products, or manufacturer, or in a manner that would have the potential to compromise the financial, competitive, or proprietary nature of the information. A pharmacy benefit manager shall impose the confidentiality protections of this section on a vendor or downstream third party that performs health care or administrative services on behalf of the pharmacy benefit manager that may receive or have access to rebate information.

SECTION 2. Tennessee Code Annotated, Section 56-7-3206(a), is amended by deleting the subsection in its entirety.

SECTION 3. Tennessee Code Annotated, Section 56-7-3206(h)(2), is amended by deleting the subdivision in its entirety.

SECTION 4. This act takes 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. 1295**

**House Bill No. 1310\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-4901.**

This part is known as the "Genetic Information Privacy Act."

**47-18-4902.**

As used in this part:

(1) "Biological sample" means a human material known to contain DNA, including tissue, blood, urine, or saliva;

(2) "Consumer" means an individual who is a resident of the state;

(3) "Deidentified data" means data that:

(A)

(i) Cannot reasonably be linked to an identifiable individual; or

(ii) Meets the standard for deidentification under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.) and rules promulgated pursuant to that act; and

(B) Is possessed by a company that:

(i) Takes administrative and technical measures to ensure that the data cannot be associated with a particular consumer;



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(ii) Makes a public commitment to maintain and use data in deidentified form and not attempt to reidentify data; and

(iii) Enters into a legally enforceable contractual obligation that prohibits a recipient of the data from attempting to reidentify the data;

(4) "Direct-to-consumer genetic testing company" or "company":

(A) Means an entity that:

(i) Offers consumer genetic testing products or services directly to a consumer; or

(ii) Collects, uses, or analyzes genetic data that resulted from a direct-to-consumer genetic testing product or service and was provided to the company by a consumer; and

(B) Does not include:

(i) A law enforcement agency; or

(ii) An entity that is, and only while, engaged in collecting, using, or analyzing genetic data or biological samples in the context of research, as defined in 45 CFR § 164.501, that is conducted in accordance with:

(a) The Federal Policy for the Protection of Human Subjects, as described in 45 CFR Part 46;

(b) The Good Clinical Practice Guideline issued by the International Council for Harmonization; or

(c) The United States Food and Drug Administration Policy for the Protection of Human Subjects under 21 CFR Parts 50 and 56;

(5) "DNA" means deoxyribonucleic acid;

(6) "Express consent" means a consumer's affirmative response to a clear, meaningful, and prominent notice regarding the collection, use, or disclosure of genetic data for a specific purpose;

(7) "First-party relationship" means the relationship between a company and a consumer from which the company has collected genetic data;

(8) "Genetic data" means data, excluding deidentified data, regardless of format, concerning a consumer's genetic characteristics, including:

(A) Raw sequence data that results from sequencing all or a portion of a consumer's extracted DNA;

(B) Genotypic and phenotypic information obtained from analyzing a consumer's raw sequence data; or

(C) Self-reported health information regarding a consumer's health conditions that the consumer provides to a company and that the company:

(i) Uses for scientific research or product development;

and

(ii) Analyzes in connection with the consumer's raw sequence data;

(9) "Genetic testing" means:

(A) A laboratory test of a consumer's complete DNA, regions of DNA, chromosomes, genes, or gene products to determine the presence of genetic characteristics of the consumer; or

(B) An interpretation of a consumer's genetic data; and

(10) "Person" means an individual, corporation, business, partnership, limited liability company, or other business entity.

**47-18-4903.**

This part does not apply to:

- (1) Protected health information that is collected by a covered entity or business associate as those terms are defined in 45 CFR Parts 160 and 164;
- (2) A public or private institution of higher education;
- (3) An entity owned or operated by a public or private institution of higher education;
- (4) Biomedical or academic research conducted by a research hospital, academic medical center, or other entity affiliated with such hospital or medical center that is not a direct-to-consumer genetic testing company;
- (5) Genetic data that is shared with or by a research hospital, academic medical center, or other entity affiliated with such hospital or medical center that is not a direct-to-consumer genetic testing company for the purposes of biomedical or academic research or to find causes of or cures for a disease or medical condition; or
- (6) The sharing of genetic data that does not require consent pursuant to the Federal Policy for the Protection of Human Subjects, as described in 45 CFR Part 46.

**47-18-4904.**

- (a) A direct-to-consumer genetic testing company shall:
  - (1) Provide to a consumer:
    - (A) Essential information about the company's collection, use, and disclosure of genetic data; and
    - (B) A prominent, publicly available privacy notice that includes information about the company's data collection, consent, use, access, disclosure, transfer, security, retention, and deletion practices;
  - (2) Obtain a consumer's initial express consent for collection, use, or disclosure of the consumer's genetic data that:

(A) Clearly describes the company's use of the genetic data that the company collects through the company's genetic testing product or service;

(B) Specifies who has access to test results; and

(C) Specifies how the company may share the genetic data;

(3) If the company engages in the following conduct, obtain a consumer's:

(A) Separate express consent for:

(i) The transfer or disclosure of the consumer's genetic data to a person other than the company's vendors and service providers;

(ii) The use of genetic data beyond the primary purpose of the company's genetic testing product or service; or

(iii) The company's retention of a biological sample provided by the consumer following the company's completion of the initial testing service requested by the consumer;

(B) Informed consent in accordance with the Federal Policy for the Protection of Human Subjects, as described in 45 CFR Part 46, for transfer or disclosure of the consumer's genetic data to a third party for:

(i) Research purposes; or

(ii) Research conducted under the control of the company for the purpose of publication or generalizable knowledge; and

(C) Express consent for:

(i) Marketing to a consumer based on the consumer's genetic data; or

(ii) Marketing by a third-party person to a consumer based on the consumer having ordered or purchased a genetic testing product or service;

(4) Require valid legal process for the company's disclosure of a consumer's genetic data to law enforcement or a government entity without the consumer's express written consent;

(5) Develop, implement, and maintain a comprehensive security program to protect a consumer's genetic data against unauthorized access, use, or disclosure; and

(6) Provide a process for a consumer to:

(A) Access the consumer's genetic data;

(B) Delete the consumer's account and genetic data; and

(C) Destroy the consumer's biological sample.

(b) Notwithstanding subdivision (a)(3)(C), a direct-to-consumer genetic testing company with a first-party relationship to a consumer may, without obtaining the consumer's express consent, provide customized content or offers on the company's website or through the company's application or service.

**47-18-4905.**

A direct-to-consumer genetic testing company shall not disclose a consumer's genetic data without first obtaining the consumer's written consent to:

(1) An entity that offers health insurance, life insurance, or long-term care insurance; or

(2) An employer of the consumer.

**47-18-4906.**

The division of consumer affairs in the office of the attorney general and reporter shall enforce this part. The division shall:



(1) Establish a means by which a consumer can submit a complaint for a violation of this part; and

(2) Promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to conduct occurring on or after that date.

Amendment No. \_\_\_\_\_

*[Signature]*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1091**

**House Bill No. 728\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 45, Chapter 2, is amended by adding the following as a new part:

**45-2-2201.**

This part is known and may be cited as the "Tennessee Fair Access to Financial Services Act."

**45-2-2202.**

As used in this part:

(1) "Commissioner" means the commissioner of financial institutions, or the commissioner's designee;

(2) "Reputational risk" means the potential that negative publicity regarding a state bank's business practices, regardless of the truth of the publicity, will cause a decline in the customer base of the state bank, or a reduction in revenue for the state bank; and

(3) "Social risk" means the potential of impairment of goodwill arising from a negative perception of a state bank's impact on stakeholders of the state bank or the community.

**45-2-2203.**

To provide fair access to financial services:

(1) A state bank shall:



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(A) Make each financial service it offers available to each person in the geographic market served by the state bank on a non-discriminatory basis;

(B) Approve or deny a person a financial service that the state bank offers solely based on the quantitative impartial risk-based financial standards established in advance by the state bank;

(C) Not deny a person a financial service that the state bank offers when the effect of the denial is to prevent, limit, or otherwise disadvantage the person:

(i) From entering or competing in a market or business segment; or

(ii) In such a way that benefits another person or business activity in which the state bank has a financial interest; and

(D) Not deny a person a financial service offered by the state bank, in coordination with others; or

(2) A state bank that utilizes standards or guidelines based on non-financial, non-traditional, or subjective criteria, such as reputational risk, social risk, environmental or governance scores, or diversity, equity, and inclusion policies, shall:

(A) Disclose to the department the specific standards, guidelines, and criteria used by the state bank to determine access or denial of a financial service to a person in this state;

(B) Provide to a person denied a financial service a disclosure that contains:

(i) The specific data, information, criteria, and standard used to support the denial, in bold fourteen-point font; and

(ii) A detailed explanation of how the state bank became aware of the information that led the state bank to deny the financial service, including the identity of any third party that notified the state bank of the information and the nature of the notification by the third party, to the extent that the disclosure is not prohibited by law; and

(C) Comply with rules promulgated by the department.

**45-2-2204.**

(a) If a state bank has engaged in, or there are reasonable grounds to believe that a state bank is going to engage in, an act prohibited by this part, the aggrieved party may bring a civil action seeking the following:

- (1) A temporary or permanent injunction;
- (2) A restraining order; or
- (3) Another order or legal remedy necessary to enforce the requirements of this part.

(b)

(1) In addition to the relief described in subsection (a), an aggrieved party may initiate a civil action to recover actual damages, or ten thousand dollars (\$10,000), whichever is greater, for damages incurred by the aggrieved party for each separate violation.

(2)

(A) Each instance of failure to comply with § 45-2-2203(1) is a separate violation; and

(B) Each instance of failure to comply with § 45-2-2203(2) is a separate violation.

(3) If the trier of fact finds that a violation was willful, it may award treble damages of the actual damages, or thirty thousand dollars (\$30,000), whichever is greater.

(4) A court shall award the prevailing plaintiff in an action brought under this section reasonable attorneys' fees and costs.

(c) The commissioner shall enforce this part, and shall promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 45, Chapter 4, Part 19, is amended by adding the following as a new section:

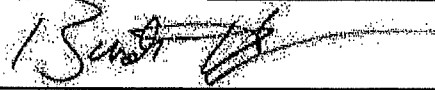
A credit union shall not deny membership, a loan, or services to a person that meets the scope and field of membership for the credit union, based solely on subjective measures such as environmental, social, or governance criteria; diversity, equity, or inclusion policies; or political or ideological factors, without providing notice to the person of the measures, criteria, and factors used in making the determination. The notice required by this section must be provided in bold, fourteen-point font.

SECTION 3. Tennessee Code Annotated, Section 56-8-104, is amended by adding the following as a new subdivision:

( ) Refusing to insure, or charging a different rate, solely in consideration of the risks related to environmental, social, or governance criteria; diversity, equity, or inclusion policies; or political or ideological factors, unless the refusal or different rate is the result of the application of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience.

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_



Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1346**

**House Bill No. 1477\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 35, Chapter 50, is amended by adding the following as a new section:

**35-50-126.**

(a) There is created the Tennessee trust task force, to study the current status of this state's trust laws and to examine how such laws can be improved to create a favorable environment for the administration of trusts in this state. As used in this section, "task force" refers to the Tennessee trust task force.

(b)

(1) The task force is composed of seven (7) members to be appointed by the governor. The members must be legal professionals who practice trust law or professionals who otherwise work in the trust industry.

(2) The governor shall designate one (1) member of the task force to serve as chair.

(c)

(1) The chair shall call the first meeting of the task force.

(2) The task force shall fix a time and place for regular meetings and shall meet no less than once quarterly. Except for the first meeting of the task force, all other meetings, including emergency meetings, are held at the call of the chair with written notice given to all task force members.



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(3) The task force may conduct regular or special meetings by electronic or other means pursuant to § 8-44-108.

(d) The task force shall agree upon any findings and recommendations by a majority vote of the total membership of the task force. A majority of the members of the task force constitutes a quorum for the purpose of meeting and conducting business.

(e)

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

(2) The chair of the task force shall promptly notify, or cause to be notified, the governor of a member who fails to satisfy the attendance requirement of subdivision (e)(1), and the governor shall fill such vacancy.

(f) All vacancies occurring on the task force by reason of death or resignation are filled by the task force itself.

(g) The members of the task force receive no compensation for their services on the task force, but receive reimbursement for expenses incurred in attending meetings of the task force and for travel incident thereto, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(h) In making appointments to the task force, the governor shall strive to ensure that the task force membership is diverse in ethnicity, race, sex, and geographic residency.

(i) The office of the governor, or the office of the governor's designee, is responsible for providing administrative support services to the task force.

(j)

(1) Public notice must be given for all meetings, and all meetings are open to the public.

(2) All task force documents are public records, and anyone seeking to obtain copies of such records may request them in writing from the task force.

(k) The task force may request assistance and support from statutorily created entities in this state and from persons certified or licensed as trust professionals.

(l) The task force shall submit a report of its findings and recommendations to each member of the general assembly, the commissioner of financial institutions, the governor, and the legislative librarian no later than July 1 of each year. The report may be submitted electronically.

SECTION 2. Tennessee Code Annotated, Section 35-16-104, is amended by deleting subdivision (b)(1) and substituting:

(1) Notwithstanding § 66-3-310, a creditor's claim under subsection (a) must be filed within eighteen (18) months after the qualified disposition is made or the claim is extinguished.

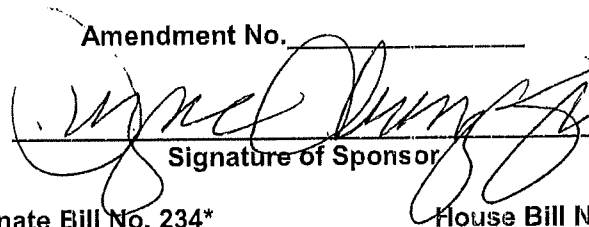
SECTION 3. Tennessee Code Annotated, Section 35-15-409, is amended by deleting "The trust may not be enforced for more than three hundred sixty (360) years" in subdivision (1) and substituting "The trust may be enforced in perpetuity".

SECTION 4. Tennessee Code Annotated, Title 35, Chapter 15, Part 2, is amended by adding the following as a new section:

Upon the filing of a petition related to a trust, the instrument on which the trust is based; briefs; and the entire court file, including the trust's inventory, statement filed by a fiduciary of the trust, annual verified report of a fiduciary, final report of a fiduciary, the petitions relevant to trust administration, and all court orders thereon, are sealed and must not be made a part of the public record of the proceeding. The materials remain available to the court, trustor, fiduciary, a beneficiary or the beneficiary's representative, an attorney for such party, and another interested entity or individual as the court may order.

SECTION 5. This act takes effect July, 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 234\***

**House Bill No. 528**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-5601.**

As used in this part:

- (1) "Affiliate" means any person controlling, controlled by, or under common control with such person;
- (2) "Division" means the division of consumer affairs in the office of the attorney general and reporter; and
- (3) "Person" means a natural person, individual, governmental agency, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized, including any affiliate.

**47-18-5602.**

(a)

(1) A person shall not contact a property owner more than one (1) time in a calendar year in connection with an unsolicited request to buy the property owner's real property.

(2) The limitation described in subdivision (a)(1) applies to contact made through a telephone call, text message, email, mail, facsimile transmission, or another form of contact.



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(b) When a person contacts a property owner in connection with an unsolicited request to buy the property owner's real property, prior to making the solicitation, the person shall provide to the property owner:

- (1) The person's legal name;
- (2) The address from which the person operates;
- (3) A telephone number at which the person can be contacted; and
- (4) An email address at which the person can be contacted.

**47-18-5603.**

(a) If a property owner believes a person has violated § 47-18-5602, then the property owner may submit a complaint to the division. The division shall:

- (1) Begin reviewing a complaint submitted pursuant to this subsection (a) within twenty (20) business days from the date the complaint is submitted;
- (2) Send a written notice to the property owner that the division is reviewing the complaint; and
- (3) Send a written notice to the property owner upon completion of the review describing the findings of the review, including whether the individual who contacted the property owner is a licensed real estate agent, and the actions taken, if any, as a result of the findings.

(b)

(1) With regard to alleged violations of this part, the attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under part 1 of this chapter. The attorney general and reporter may institute a proceeding involving alleged violations of this part in Davidson County circuit or chancery court or another venue otherwise permitted by law.

(2) The attorney general and reporter shall require the person being investigated pursuant to a complaint submitted in accordance with subsection (a)

to disclose any affiliates of the person that have sent an unsolicited request to buy the property owner's real property.

(3) If a court finds that a person violated § 47-18-5602, then the court shall assess a fine of up to one thousand five hundred dollars (\$1,500) per violation. The court may also order reimbursement to this state for the reasonable costs and expenses of investigation and prosecution of actions under this part, including attorneys' fees.

(4) For purposes of determining how many violations a person has committed, each contact beyond the permitted number under § 47-18-5602 by a person, including any affiliate of the person, is a separate violation.

**47-18-5604.**

This part does not apply to an individual who is licensed as a real estate agent in the state in which the real property about which the individual contacted the property owner is located.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1285**

**House Bill No. 1060\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 50-7-302(a), is amended by deleting subdivision (4) and substituting:

(4)

(A) The claimant is able to work, available for work, and making a reasonable effort to secure work. As used in this subdivision (a)(4)(A), "making a reasonable effort to secure work" means the claimant provides detailed information regarding at least five (5) work search activities per week;

(B) The following actions are acceptable work search activities that count toward the requirement of subdivision (a)(4)(A) that a claimant is making a reasonable effort to secure work:

- (i) A department-approved job search or skills assessment;
- (ii) Completion of a department-approved job search plan;
- (iii) Participating in an on-the-job training opportunity;
- (iv) Taking a civil service exam;
- (v) Developing a complete resume in the state's employment service system;
- (vi) Submitting a resume to an employer;
- (vii) Completing and submitting a job application to an employer;
- (viii) Attending and completing an interview with an employer;
- (ix) Attending a job fair; or



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(x) Completing a skills test assigned by an employer as part of an interview process;

(C)

(i) The administrator shall:

(a) Verify whether claimants are complying with the requirement of at least five (5) work search activities per week; and

(b) Disqualify any claimant receiving benefits who the administrator finds has provided false work search information;

(ii) In determining whether the claimant is making a reasonable effort to secure work, the administrator shall consider the customary methods of obtaining work in the claimant's usual occupation or occupation for which the claimant is reasonably qualified, the current condition of the labor market, and any attachment the claimant may have to a regular job;

(D) A claimant shall not be considered ineligible in any week of unemployment for failure to comply with this subsection (a) if the failure is due to an illness or disability that occurred after the claimant has registered for work, and no work that would have been considered suitable at the time of the claimant's initial registration has been offered after the beginning of the illness or disability. The administrator may, however, in the administrator's discretion, require the claimant to obtain and submit a certificate by a duly licensed physician as to the illness or disability with respect to each week that the illness or disability exists;

(E) An otherwise eligible claimant shall not be denied benefits for any week because the claimant is in training with the approval of the administrator, nor shall the claimant be denied benefits with respect to any week in which the

claimant is in training with the approval of the administrator by reason of the application of this subsection (a) relating to availability for work, or of § 50-7-303(a)(3) relating to failure to apply for, or refusal to accept, suitable work;

(F) The unemployment of a claimant for any week or any portion of a week, caused by a plant, departmental, or other type of shutdown for vacation purposes, must not be the basis for a denial of benefits for the week, or portion of a week, if the claimant has not or will not receive any vacation pay from the claimant's employer for the period, when so found by the administrator;

(G) An otherwise eligible claimant shall not be denied benefits by reason of the application of this subsection (a) who, subsequent to the claimant's enrollment in and while attending a regularly established school, college, or university, has been regularly employed and becomes unemployed and makes the claimant available for all suitable work, as determined by the administrator, to the same extent that the claimant was previously employed while continuing to attend and be enrolled in the regularly established school, college, or university; provided, that if the claimant is offered the same job that the claimant previously held immediately prior to entering the school and refuses the job, then the claimant is ineligible for the benefits provided by this chapter if the job meets the standards set forth in § 50-7-303(a)(3)(A) and (B) as required by applicable federal law;

(H) This subsection (a) or any other provision of law must not be construed to deny unemployment benefits to any claimant who is a veteran enrolled in school under the Veterans' Educational Assistance Program, commonly known as the "G.I. Bill" (38 U.S.C. § 1650 et seq.), solely because of the claimant's enrollment and attendance in school, if the claimant is otherwise eligible for the benefits, except that if the claimant is offered the same job that the claimant previously held immediately prior to entering the school and refuses the

job, then the claimant shall become ineligible for benefits as provided by § 50-7-303(a)(3) if the job meets the standards set forth in § 50-7-303(a)(3)(A) and (B) as required by applicable federal law; and

(I) A claimant is ineligible for benefits if the claimant is incarcerated four (4) or more days in any week for which unemployment benefits are being claimed;

SECTION 2. Tennessee Code Annotated, Section 50-7-303(a)(3), is amended by adding the following as a new subdivision:

(C)

(i) A claimant who fails to appear for a scheduled job interview is non-compliant with the work search requirements of the unemployment insurance program. A claimant is disqualified for the week the failure occurred;

(ii)

(a) The department shall establish a portal on its website, and an email and telephone hotline, for employers to report an unemployment insurance claimant who fails to appear for a scheduled job interview;

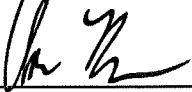
(b) The department shall:

(1) Establish a portal on its website, and an email and telephone hotline, for employers to report an unemployment insurance claimant who fails to appear for a scheduled job interview; and

(2) Communicate annually with employers in this state that participate in the unemployment insurance program of the employer's right to use the portal to report suspected unemployment insurance program violations;

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1285**

**House Bill No. 1060\***

by deleting the amendatory language of SECTION 2 and substituting:

(C)

(i) A claimant who fails to appear for a scheduled job interview is non-compliant with the work search requirements of the unemployment insurance program. A claimant is disqualified for the week the failure occurred;

(ii) The department shall:

(a) Establish a portal on its website, and an email and telephone hotline, for employers to report an unemployment insurance claimant who fails to appear for a scheduled job interview; and

(b) Communicate annually with employers in this state that participate in the unemployment insurance program of the employers' right to use the portal to report suspected unemployment insurance program violations;



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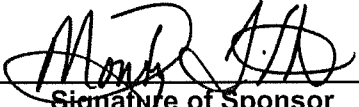
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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 996**

**House Bill No. 846\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new section:

**47-18-135.**

(a) As used in this section, "online payment system":

(1) Means an online or mobile system that facilitates the exchange of currency through the internet, including a money transfer or payment; and

(2) Does not include an online or mobile system provided by:

(A) A state or national bank;

(B) A state or federal savings and loan association; or

(C) A state or federal credit union.

(b) An operator of an online payment system shall not freeze the funds of a user without first providing the user with a ninety-day written notice of the online payment system's intent to freeze the user's funds.

(c) The notice requirement of subsection (b) does not apply if an operator of an online payment system has a reasonable belief that financial exploitation, as defined in § 45-2-1202, may have occurred, may have been attempted, or is being attempted, or that a violation of another law has occurred, is occurring, or may occur.

(d) A violation of this section by an online payment system constitutes an unfair or deceptive act prohibited under § 47-18-104, and is punishable as provided in this part.



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SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

( ) A violation of § 47-18-135;

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts or agreements entered into, amended, or renewed on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 1379**

**House Bill No. 965\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 45, Chapter 2, Part 17, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Financial institution" means a bank, savings and loan association, industrial loan and thrift company, credit union, mortgage broker, mortgage banker, or leasing company accepting deposits, or making or arranging loans or leases; and

(2) "Person" means an individual, corporation, association, syndicate, partnership, business trust, trust, organization, state or federal governmental entity, or other legal entity.

(b) It is unlawful for a financial institution to release or provide a person's account balance or transaction activity to a person other than the account owner, or the account owner's attorney-in-fact, conservator, or guardian, without:

(1) Express written consent from the account owner, or the account owner's attorney-in-fact, conservator, or guardian; or

(2) A warrant issued by a judicial officer located in this state.

(c) A violation of this section is a Class C misdemeanor.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1043\***

**House Bill No. 1231**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Entertainment":

(A) Means a form of diversion, recreation, or show; and

(B) Includes:

(i) Theatrical or operatic performances;

(ii) Concerts;

(iii) Motion pictures;

(iv) Shows or events at fair grounds;

(v) Amusement parks; and

(vi) Athletic games or competition, including football,

basketball, baseball, boxing, tennis, hockey, or another sport;

(2) "Place of entertainment":

(A) Means a privately or publicly owned facility for entertainment for which an entry fee is charged; and

(B) Includes a theater, stadium, arena, racetrack, museum, amusement park, or other place where performances, concerts, exhibits, or athletic games or contests are held;

(3) "Resale":



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(A) Means a sale of a ticket for entrance to a place of entertainment located within the boundaries of this state, other than a sale by the operator or the operator's agent who is expressly authorized to make first sales of the tickets; and

(B) Includes a sale made in person, or by means of telephone, mail, delivery service, facsimile, internet, email, or other electronic means, where the venue for which the ticket grants admission is located in this state;

(4) "Third-party ticket reseller" means an individual, firm, corporation, or other entity that:

(A) Engages in the business of reselling tickets to a place of entertainment;

(B) Operates an internet website or other electronic service that provides a mechanism for two (2) or more parties to participate in a resale transaction;

(C) Facilitates resale transactions by means of an auction; or

(D) Maintains an office, branch of an office, bureau, agency, or other entity for purposes of engaging in the business of reselling tickets to a place of entertainment; and

(5) "Ticket" means evidence of the right of entry to a place of entertainment located within this state.

(b) A third-party ticket reseller, ticket broker, ticket issuer, and ticket resale website shall disclose the total cost of a ticket, including all ancillary fees and service charges, to be paid in order to complete the purchase of a ticket, prior to the ticket being selected for purchase.

(c) The information required to be disclosed pursuant to subsection (b) must be disclosed in a clear and conspicuous manner and in dollars. If a ticket is sold through a

website, then the information required to be disclosed must be displayed in the ticket listing prior to the ticket being selected for purchase. The information disclosed must not be false or misleading, and must not be presented more prominently, or in the same or larger size font, as the total price.

(d) The price of a ticket sold through a website must not increase after a consumer has selected a ticket for purchase, excluding reasonable fees for delivery of non-electronic tickets based on the delivery method selected by the purchaser prior to payment for the ticket.

SECTION 2. Tennessee Code Annotated, Section 39-14-127(a), is amended by adding the following as a new subdivision:

(9) Uses or displays any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization. For purposes of this subdivision (a)(9):

(A) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(i) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and

(ii) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest; and

(B) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting subdivision (52) and substituting:

(52)

(A)

(1) Using the trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity scheduled to perform at a place of entertainment in the domain of a ticket marketplace URL, without written authorization from the place of entertainment, event, person, or entity scheduled to perform at a place of entertainment to use the trade name, trademark, or name in the domain of the URL prior to the use; or

(2) Using or displaying any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization from the operator;

(B) For purposes of subdivision (b)(52)(A):

(i) "Domain" means the portion of text in a URL that is to the left of the top-level domains such as .com, .net, or .org;

(ii) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(a) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and

(b) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest;

(iii) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater,

racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held;

(iv) "Ticket" means a printed, electronic, or other type of evidence of the right, option, or opportunity to occupy space at, to enter, or to attend a place of entertainment, even if not evidenced by any physical manifestation of the right, option, or opportunity; and

(v) "Ticket marketplace" means a website that provides a forum for or facilitates the buying and selling, or reselling, of a ticket;

SECTION 4. Tennessee Code Annotated, Section 47-25-512, is amended by deleting "shall be liable in a civil action by the registrant for any and all of the remedies provided in § 47-25-514, except that under subdivision (2) the registrant shall not be entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion, mistake or deception."; by deleting "any person who:" and substituting "any person who does the following is liable in a civil action by the registrant for any and all of the remedies provided in § 47-25-514, except that under subdivision (2), the registrant is not entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion, mistake, or deception:"; and adding the following as a new subdivision:

(5) Uses or displays any combination of text, images, website graphics, website display, or website addresses that are substantially similar to the website of an operator with the intent to mislead a potential purchaser, without written authorization. For purposes of this subdivision (5):

(A) "Operator" means an individual, firm, corporation, or other entity, or an agent of such individual, firm, corporation, or other entity that:

(i) Owns, operates, or controls a place of entertainment or that promotes or produces a performance, concert, exhibit, game, athletic event, or contest; and



(ii) Offers for sale a first sale ticket to the place of entertainment or performance, concert, exhibit, game, athletic event, or contest; and

(B) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sales occurring on or after that date.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 73\***

**House Bill No. 1181**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Information Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-3201. Part definitions.**

As used in this part:

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. As used in this subdivision (1), "control" or "controlled" means:

(A) Ownership of, or the power to vote, more than fifty percent (50%) of the outstanding shares of a class of voting security of a company;

(B) Control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(C) The power to exercise controlling influence over the management of a company;

(2) "Authenticate" means to verify using reasonable means that a consumer who is entitled to exercise the rights in § 47-18-3203, is the same .



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consumer who is exercising those consumer rights with respect to the personal information at issue;

(3) "Biometric data":

(A) Means data generated by automatic measurement of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retina or iris, or other unique biological patterns or characteristics that are used to identify a specific individual; and

(B) Does not include a physical or digital photograph, video recording, or audio recording or data generated from a photograph or video or audio recording; or information collected, used, or stored for healthcare treatment, payment, or operations under HIPAA;

(4) "Business associate" has the same meaning as defined by HIPAA;

(5) "Child" means a natural person younger than thirteen (13) years of age;

(6) "Consent":

(A) Means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal information relating to the consumer; and

(B) Includes a written statement, including a statement written by electronic means, or an unambiguous affirmative action;

(7) "Consumer":

(A) Means a natural person who is a resident of this state acting only in a personal context; and

(B) Does not include a natural person acting in an employment context;

(8) "Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal information;

(9) "Covered entity" has the same meaning as defined by HIPAA;

(10) "Decisions that produce legal or similarly significant effects concerning the consumer" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, healthcare services, or access to basic necessities, such as food and water;

(11) "De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to that individual;

(12) "Health record":

(A) Means a written, printed, or electronically recorded material that:

(i) Was created or is maintained by a healthcare entity described in or licensed under title 68 in the course of providing healthcare services to an individual; and

(ii) Concerns the individual and the services provided; and

(B) Includes the substance of a communication made by an individual to a healthcare entity described in or licensed under title 68 in confidence during or in connection with the provision of healthcare services or information otherwise acquired by the healthcare entity about an individual in confidence and in connection with the provision of healthcare services to the individual;

(13) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.);

(14) "Identified or identifiable natural person," "natural person," and "individual" mean a human being who can be readily identified, whether directly or indirectly;

(15) "Institution of higher education" means a public or private institution of higher education;

(16) "Nonprofit organization" means:

(A) A corporation organized under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapter 51;

(B) An organization exempt from taxation under the Internal Revenue Code, codified in 26 U.S.C. §§ 501-530;

(C) A public utility organized under the laws of this state; or

(D) An entity owned or controlled by a nonprofit organization;

(17) "Personal information":

(A) Means information that is linked or reasonably linkable to an identified or identifiable natural person;

(B) Includes:

(i) Biometric data;

(ii) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an internet website, application, or advertisement;

(iii) Geolocation data;

(iv) Audio, electronic, visual, thermal, olfactory, or similar information;

(v) Professional or employment-related information;

(vi) Education information that is not publicly available information, or that is personally identifiable information as defined in 20 U.S.C. § 1232g and 34 C.F.R. § 99.1 et seq.; and

(vii) Inferences drawn from the information identified in this subdivision (17)(B) to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes; and

(C) Does not include information that is:

(i) Publicly available information; or

(ii) De-identified or aggregate consumer information;

(18) "Precise geolocation data":

(A) Means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty feet (1,750'); and

(B) Does not include:

(i) The content of communications; or

(ii) Data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility;

(19) "Process" or "processing" means an operation or set of operations performed, whether by manual or automated means, on personal information or on sets of personal information, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal information;

(20) "Processor" means a natural or legal entity that processes personal information on behalf of a controller;

(21) "Profiling" means a form of solely automated processing performed on personal information to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements;

(22) "Protected health information" has the same meaning as defined by HIPAA;

(23) "Pseudonymous data" means personal information that cannot be attributed to a specific natural person without the use of additional information, so long as the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable natural person;

(24) "Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience;

(25) "Sale of personal information":

(A) Means the exchange of personal information for monetary or other valuable consideration by the controller to a third party; and

(B) Does not include:

(i) The disclosure of personal information to a processor that processes the personal information on behalf of the controller;

(ii) The disclosure of personal information to a third party for purposes of providing a product or service requested by the consumer;

(iii) The disclosure or transfer of personal information to an affiliate of the controller;

(iv) The disclosure of information that the consumer:

(a) Intentionally made available to the general public via a channel of mass media; and

(b) Did not restrict to a specific audience; or

(v) The disclosure or transfer of personal information to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets;

(26) "Sensitive data" means a category of personal information that includes:

(A) Personal information revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

(B) The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

(C) The personal information collected from a known child; or

(D) Precise geolocation data;

(27) "State agency" means an agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch;

(28) "Targeted advertising":

(A) Means displaying to a consumer an advertisement that is selected based on personal information obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict the consumer's preferences or interests; and



(B) Does not include:

(i) Advertisements based on activities within a controller's own websites or online applications;

(ii) Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

(iii) Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

(iv) Personal information processed solely for measuring or reporting advertising performance, reach, or frequency;

(29) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller; and

(30) "Trade secret" means information, without regard to form, including, but not limited to, technical, nontechnical, or financial data, a formula, pattern, compilation, program, device, method, technique, plan, or process, that:

(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the information's disclosure or use; and

(B) Is the subject of efforts that are reasonable under the circumstances to maintain the information's secrecy.

**47-18-3202. Scope.**

This part applies to persons that conduct business in this state producing products or services that target residents of this state and that:

(1)

(A) Exceed twenty-five million dollars (\$25,000,000) in revenue;

and

(B) During a calendar year, control or process personal information of at least one hundred thousand (100,000) consumers; or

(2) Control or process personal information of at least twenty-five thousand (25,000) consumers and derive more than fifty percent (50%) of gross revenue from the sale of personal information.

**47-18-3203. Personal information rights – Consumers.**

(a)

(1) A consumer may invoke the consumer rights authorized pursuant to subdivision (a)(2) at any time by submitting a request to a controller specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke the consumer rights authorized pursuant to subdivision (a)(2) on behalf of the child regarding processing personal information belonging to the known child.

(2) A controller shall comply with an authenticated consumer request to exercise the right to:

(A) Confirm whether a controller is processing the consumer's personal information and to access the personal information;

(B) Correct inaccuracies in the consumer's personal information, taking into account the nature of the personal information and the purposes of the processing of the consumer's personal information;

(C) Delete personal information provided by or obtained about the consumer. A controller is not required to delete information that it maintains or uses as aggregate or de-identified data; provided, that such data in the possession of the controller is not linked to a specific consumer. A controller that obtained personal information about a consumer from a source other than the consumer is in compliance with a consumer's request to delete such personal information by:

(i)

(a) Retaining a record of the deletion request and the minimum information necessary for the purpose of ensuring that the consumer's personal information remains deleted from the controller's records; and

(b) Not using such retained personal information for any purpose prohibited under this part; or

(ii) Opting the consumer out of the processing of such personal data for any purpose except for those exempted under this part;

(D) Obtain a copy of the consumer's personal information that the consumer previously provided to the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means; or

(E) Opt out of a controller's processing of personal information for purposes of:

(i) Selling personal information about the consumer;

(ii) Targeted advertising; or

(iii) Profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.

(b) Except as otherwise provided in this part, a controller shall comply with an authenticated request by a consumer to exercise the consumer rights authorized pursuant to subdivision (a)(2) as follows:

(1) A controller shall respond to the consumer without undue delay, but in all cases within forty-five (45) days of receipt of a request submitted pursuant to subsection (a). The response period may be extended once by forty-five (45)

additional days when reasonably necessary, taking into account the complexity and number of the consumer's requests, so long as the controller informs the consumer of the extension within the initial forty-five-day response period, together with the reason for the extension;

(2) If a controller declines to take action regarding the consumer's request, then the controller shall inform the consumer without undue delay, but in all cases and at the latest within forty-five (45) days of receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision pursuant to subsection (c);

(3) Information provided in response to a consumer request must be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are manifestly unfounded, technically infeasible, excessive, or repetitive, then the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, technically infeasible, excessive, or repetitive nature of the request; and

(4) If a controller is unable to authenticate the request using commercially reasonable efforts, then the controller is not required to comply with a request to initiate an action under subsection (a) and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

(c) A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subdivision (b)(2). The appeal process must be made available to the consumer in a conspicuous manner, must be available at no cost to the consumer, and must be similar to the process for submitting

requests to initiate action pursuant to subsection (a). Within sixty (60) days of receipt of an appeal, a controller shall inform the consumer in writing of action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, then the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the attorney general and reporter to submit a complaint.

**47-18-3204. Data controller responsibilities – Transparency.**

(a) A controller shall:

(1) Limit the collection of personal information to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed, as disclosed to the consumer;

(2) Except as otherwise provided in this part, not process personal information for purposes that are beyond what is reasonably necessary to and compatible with the disclosed purposes for which the personal information is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

(3) Establish, implement, and maintain reasonable administrative, technical, and physical data security practices, as described in § 47-18-3213, to protect the confidentiality, integrity, and accessibility of personal information. The data security practices must be appropriate to the volume and nature of the personal information at issue;

(4) Not be required to delete information that it maintains or uses as aggregate or de-identified data, provided that such data in the possession of the business is not linked to a specific consumer;

(5) Not process personal information in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising the consumer rights contained in

this part, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, this subdivision (a)(5) does not require a controller to provide a product or service that requires the personal information of a consumer that the controller does not collect or maintain, or prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised the right to opt out pursuant to § 47-18-3203(a)(2)(F) or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and

(6) Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing the data in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) and its implementing regulations.

(b) A provision of a contract or agreement that purports to waive or limit the consumer rights described in § 47-18-3203 is contrary to public policy and is void and unenforceable.

(c) A controller shall provide a reasonably accessible, clear, and meaningful privacy notice that includes:

- (1) The categories of personal information processed by the controller;
- (2) The purpose for processing personal information;
- (3) How consumers may exercise their consumer rights pursuant to § 47-18-3203, including how a consumer may appeal a controller's decision with regard to the consumer's request;
- (4) The categories of personal information that the controller sells to third parties, if any; and

(5) The categories of third parties, if any, to whom the controller sells personal information.

(d) If a controller sells personal information to third parties or processes personal information for targeted advertising, then the controller shall clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing.

(e)

(1) A controller shall provide, and shall describe in a privacy notice, one (1) or more secure and reliable means for a consumer to submit a request to exercise the consumer rights in § 47-18-3203. Such means must take into account the:

(A) Ways in which a consumer normally interacts with the controller;

(B) Need for secure and reliable communication of such requests; and

(C) Ability of a controller to authenticate the identity of the consumer making the request.

(2) A controller shall not require a consumer to create a new account in order to exercise consumer rights in § 47-18-3203, but may require a consumer to use an existing account.

**47-18-3205. Responsibility according to role – Controller and processor.**

(a) A processor shall adhere to the instructions of a controller and shall assist the controller in meeting its obligations under this part. The assistance must include:

(1) Taking into account the nature of processing and the information available to the processor, by appropriate technical and organizational measures, insofar as this is reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests pursuant to § 47-18-3203; and

(2) Providing necessary information to enable the controller to conduct and document data protection assessments pursuant to § 47-18-3206.

(b) A contract between a controller and a processor governs the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract is binding and must clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract must also include requirements that the processor shall:

(1) Ensure that each person processing personal information is subject to a duty of confidentiality with respect to the data;

(2) At the controller's direction, delete or return all personal information to the controller as requested at the end of the provision of services, unless retention of the personal information is required by law;

(3) Upon the reasonable request of the controller, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations in this part;

(4) Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor; alternatively, the processor may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the obligations under this part using an appropriate and accepted control standard or framework and assessment procedure for the assessments. The processor shall provide a report of each assessment to the controller upon request; and

(5) Engage a subcontractor pursuant to a written contract in that requires the subcontractor to meet the obligations of the processor with respect to the personal information.



(c) This section does not relieve a controller or a processor from the liabilities imposed on it by virtue of its role in the processing relationship as described in subsection (b).

(d) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal information is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal information remains a processor.

**47-18-3206. Data protection assessments.**

(a) A controller shall conduct and document a data protection assessment of each of the following processing activities involving personal information:

(1) The processing of personal information for purposes of targeted advertising;

(2) The sale of personal information;

(3) The processing of personal information for purposes of profiling, where the profiling presents a reasonably foreseeable risk of:

(A) Unfair or deceptive treatment of, or unlawful disparate impact on, consumers;

(B) Financial, physical, or reputational injury to consumers;

(C) A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

(D) Other substantial injury to consumers;

(4) The processing of sensitive data; and

(5) Processing activities involving personal information that present a heightened risk of harm to consumers.

(b) Data protection assessments conducted pursuant to subsection (a) must identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with the processing, as mitigated by safeguards that can be employed by the controller to reduce the risks. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal information will be processed, must be factored into this assessment by the controller.

(c) The attorney general and reporter may request that a controller disclose a data protection assessment that is relevant to an investigation conducted by the attorney general and reporter, and the controller shall make the data protection assessment available to the attorney general and reporter. The attorney general and reporter may evaluate the data protection assessment for compliance with the responsibilities set forth in § 47-18-3204. Data protection assessments are confidential and not open to public inspection and copying. The disclosure of a data protection assessment pursuant to a request from the attorney general and reporter does not constitute a waiver of attorney-client privilege or work product protection with respect to the assessment and information contained in the assessment.

(d) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(e) Data protection assessments conducted by a controller for the purpose of compliance with other laws, rules, or regulations may comply with this section if the assessments have a reasonably comparable scope and effect.

(f) Data protection assessment requirements apply to processing activities created or generated on or after July 1, 2024, and are not retroactive.

**47-18-3207. Processing de-identified data – Exemptions.**

(a) The controller in possession of de-identified data shall:

- (1) Take reasonable measures to ensure that the data cannot be associated with a natural person;
- (2) Publicly commit to maintaining and using de-identified data without attempting to reidentify the data; and
- (3) Contractually obligate recipients of the de-identified data to comply with this part.

(b) This section does not require a controller or processor to:

- (1) Reidentify de-identified data or pseudonymous data;
- (2) Maintain data in identifiable form, or collect, obtain, retain, or access data or technology, in order to be capable of associating an authenticated consumer request with personal information; or
- (3) Comply with an authenticated consumer rights request, pursuant to § 47-18-3203, if:

(A) The controller is not reasonably capable of associating the request with the personal information or it would be unreasonably burdensome for the controller to associate the request with the personal information;

(B) The controller does not use the personal information to recognize or respond to the specific consumer who is the subject of the personal information, or associate the personal information with other personal information about the same specific consumer; and

(C) The controller does not sell the personal information to a third party or otherwise voluntarily disclose the personal information to a third party other than a processor, except as otherwise permitted in this section.

(c) The consumer rights contained in §§ 47-18-3203 and 47-18-3204 do not apply to pseudonymous data in cases where the controller is able to demonstrate information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing that information.

(d) A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address breaches of those contractual commitments.

**47-18-3208. Limitations.**

(a) This part does not restrict a controller's or processor's ability to:

- (1) Comply with federal, state, or local laws, rules, or regulations;
- (2) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;
- (3) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;
- (4) Investigate, establish, exercise, prepare for, or defend legal claims;
- (5) Provide a product or service specifically requested by a consumer or the parent or legal guardian of a known child, perform a contract to which the consumer is a party, including fulfilling the terms of a written warranty, or take steps at the request of the consumer prior to entering into a contract;
- (6) Take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;
- (7) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activity, or illegal activity;

preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for such action;

(8) Engage in public- or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, or similar independent oversight entity that determines whether:

(A) Deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;

(B) The expected benefits of the research outweigh the privacy risks; and

(C) The controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including risks associated with reidentification; or

(9) Assist another controller, processor, or third party with the obligations under this part.

(b) The obligations imposed on controllers or processors under this part do not restrict a controller's or processor's ability to collect, use, or retain data to:

(1) Conduct internal research to develop, improve, or repair products, services, or technology;

(2) Effectuate a product recall;

(3) Identify and repair technical errors that impair existing or intended functionality; or

(4) Perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically

requested by a consumer or the performance of a contract to which the consumer is a party.

(c) The obligations imposed on controllers or processors under this part do not apply where compliance by the controller or processor with this part would violate an evidentiary privilege under the laws of this state. This part does not prevent a controller or processor from providing personal information concerning a consumer to a person covered by an evidentiary privilege under the laws of this state as part of a privileged communication.

(d)

(1) A controller or processor that discloses personal information to a third-party controller or processor, in compliance with the requirements of this part, is not in violation of this part if:

(A) The third-party controller or processor that receives and processes the personal information is in violation of this part; and

(B) At the time of disclosing the personal information, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation.

(2) A third-party controller or processor receiving personal information from a controller or processor in compliance with the requirements of this part is likewise not in violation of this part for the violations of the controller or processor from which it receives such personal information.

(e) This part does not impose an obligation on controllers and processors that adversely affects the rights or freedoms of a person, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution, or applies to the processing of personal information by a person in the course of a purely personal activity.

(f) A controller shall not process personal information for purposes other than those expressly listed in this section unless otherwise allowed by this part. Personal information processed by a controller pursuant to this section may be processed to the extent that the processing is:

(1) Reasonably necessary and proportionate to the purposes listed in this section; and

(2) Adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. Personal information collected, used, or retained pursuant to subsection (b) shall, where applicable, take into account the nature and purpose or purposes of the collection, use, or retention. The data is subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal information and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal information.

(g) If a controller processes personal information pursuant to an exemption in this section, then the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with subsection (f).

(h) Processing personal information for the purposes expressly identified in subdivisions (a)(1)-(9) does not solely make an entity a controller with respect to the processing.

**47-18-3209. Investigative authority.**

If the attorney general and reporter has reasonable cause to believe that an individual, controller, or processor has engaged in, is engaging in, or is about to engage in a violation of this part, then the attorney general and reporter may issue a civil investigative demand.

**47-18-3210. Exemptions.**

(a) This part does not apply to:

(1) A body, authority, board, bureau, commission, district, or agency of this state or of a political subdivision of this state;

(2) A financial institution, an affiliate of a financial institution, or data subject to Title V of the federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.);

(3) An individual, firm, association, corporation, or other entity that is licensed in this state under title 56 as an insurance company and transacts insurance business;

(4) A covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States department of health and human services, 45 C.F.R. Parts 160 and 164 established pursuant to HIPAA, and the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5);

(5) A nonprofit organization;

(6) An institution of higher education;

(7) Protected health information under HIPAA;

(8) Health records for purposes of title 68;

(9) Patient identifying information for purposes of 42 U.S.C. § 290dd-2;

(10) Personal information:

(A) Processed for purposes of:

(i) Research conducted in accordance with the federal policy for the protection of human subjects under 45 C.F.R. Part 46;

(ii) Human subjects research conducted in accordance with good clinical practice guidelines issued by The International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use; or



(iii) Research conducted in accordance with the protection of human subjects under 21 C.F.R. Parts 6, 50, and 56; or

(B) Processed or sold in connection with research conducted in accordance with the requirements set forth in this part, or other research conducted in accordance with applicable law;

(11) Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. § 11101 et seq.);

(12) Patient safety work product for purposes of the federal Patient Safety and Quality Improvement Act (42 U.S.C. § 299b-21 et seq.);

(13) Information derived from the healthcare-related information listed in this subsection (a) that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;

(14) Information originating from, and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under this subsection (a) that is maintained by a covered entity or business associate as defined by HIPAA or a program or a qualified service organization as defined by 42 U.S.C. § 290dd-2;

(15) Information used only for public health activities and purposes as authorized by HIPAA;

(16) The collection, maintenance, disclosure, sale, communication, or use of personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency or furnisher that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.);

(17) Personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.);

(18) Personal information or educational information regulated by the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g et seq.);

(19) Personal information collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act (12 U.S.C. § 2001 et seq.);

(20) Data processed or maintained:

(A) In the course of an individual applying to, being employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role;

(B) As the emergency contact information of an individual under this part used for emergency contact purposes; or

(C) That is necessary to retain to administer benefits for another individual relating to the individual under subdivision (a)(20)(A) and used for the purposes of administering those benefits;

(21) Information collected as part of public- or peer-reviewed scientific or statistical research in the public interest; or

(22) An insurance producer licensed under title 56.

(b) Controllers and processors that comply with the verifiable parental consent requirements of the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) are deemed compliant with an obligation to obtain parental consent under this part.

(c) This part does not require a controller, processor, third party, or consumer to disclose trade secrets.

#### **47-18-3211. Contracts.**

(a) A provision of a contract or agreement that waives or limits a consumer's rights under this part, including, but not limited to, a right to a remedy or means of enforcement, is contrary to public policy, void, and unenforceable.

(b) This part does not prevent a consumer from declining to request information from a controller, declining to opt out of a controller's sale of the consumer's personal information, or authorizing a controller to sell the consumer's personal information after previously opting out.

(c) This part applies to contracts entered into on or after the effective date of this act.

**47-18-3212. Enforcement – Civil penalty – Expenses.**

(a) The attorney general and reporter has exclusive authority to enforce this part.

(b) The attorney general and reporter may develop reasonable cause to believe that a controller or processor is in violation of this part, based on the attorney general and reporter's own inquiry or on consumer or public complaints. Prior to initiating an action under this part, the attorney general and reporter shall provide a controller or processor sixty-days' written notice identifying the specific provisions of this part the attorney general and reporter alleges have been or are being violated. If within the sixty-day period, the controller or processor cures the noticed violation and provides the attorney general and reporter an express written statement that the alleged violations have been cured and that no such further violations shall occur, then the attorney general and reporter shall not initiate an action against the controller or processor.

(c) If a controller or processor continues to violate this part following the cure period in subsection (b) or breaches an express written statement provided to the attorney general and reporter under subsection (b), then the attorney general and reporter may bring an action in a court of competent jurisdiction seeking any of the following relief:

(1) Declaratory judgment that the act or practice violates this chapter;

(2) Injunctive relief, including preliminary and permanent injunctions, to prevent an additional violation of and compel compliance with this part;

(3) Civil penalties, as described in subsection (d);

(4) Reasonable attorney's fees and investigative costs; or

(5) Other relief the court determines appropriate.

(d)

(1) A court may impose a civil penalty of up to ten thousand dollars (\$10,000) for each violation of this part.

(2) If the court finds the controller or processor willfully or knowingly violated this part, then the court may, in its discretion, award treble damages and reasonable attorney fees and expenses.

(e) A violation of this part shall not serve as the basis for, or be subject to, a private right of action, including a class action lawsuit, under this part or other law.

(f) The attorney general and reporter may recover reasonable expenses incurred in investigating and preparing a case, including attorney fees, in an action initiated under this part.

**47-18-3213. Affirmative defense – Voluntary privacy program.**

(a) A controller or processor has an affirmative defense to a cause of action for a violation of this part if the controller or processor creates, maintains, and complies with a written privacy policy that:

(1)

(A) Reasonably conforms to the National Institute of Standards and Technology (NIST) privacy framework entitled "A Tool for Improving Privacy through Enterprise Risk Management Version 1.0." or another comparable privacy framework known to the community; and

(B) Is updated to reasonably conform with a subsequent revision to the NIST or comparable privacy framework within one (1) year of the

publication date stated in the most recent revision to the NIST or comparable privacy framework; and

(2) Provides a person with the substantive rights required by this part.

(b) The scale and scope of a controller or processor's privacy program under subsection (a) is appropriate if it is based on all of the following factors:

- (1) The size and complexity of the controller or processor's business;
- (2) The nature and scope of the activities of the controller or processor;
- (3) The sensitivity of the personal information processed;
- (4) The cost and availability of tools to improve privacy protections and

data governance; and

(5) Compliance with a comparable state or federal law.

(c)

(1) In addition to subsections (a) and (b):

(A) A controller may be certified pursuant to the Asia Pacific Economic Cooperation's Cross Border Privacy Rules system; and

(B) A processor may be certified pursuant to the Asia Pacific Economic Cooperation's Privacy Recognition for Processors system.

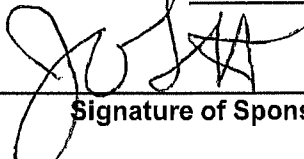
(2) Certifications under subdivision (c)(1) may be considered in addition to the factors in subsection (b).

SECTION 3. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act supersedes and preempts laws, ordinances, resolutions, regulations, or the equivalent adopted by any statutory, private act, or home rule municipality, county, including a metropolitan government, or city regarding the processing of personal data by controllers or processors.

SECTION 5. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 6. This act takes effect January 1, 2025, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

|                   |
|-------------------|
| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 73\***

**House Bill No. 1181**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Information Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-3201. Part definitions.**

As used in this part:

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. As used in this subdivision (1), "control" or "controlled" means:

(A) Ownership of, or the power to vote, more than fifty percent (50%) of the outstanding shares of a class of voting security of a company;

(B) Control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or

(C) The power to exercise controlling influence over the management of a company;

(2) "Authenticate" means to verify using reasonable means that a consumer who is entitled to exercise the rights in § 47-18-3203, is the same



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consumer who is exercising those consumer rights with respect to the personal information at issue;

(3) "Biometric data":

(A) Means data generated by automatic measurement of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retina or iris, or other unique biological patterns or characteristics that are used to identify a specific individual; and

(B) Does not include a physical or digital photograph, video recording, or audio recording or data generated from a photograph or video or audio recording; or information collected, used, or stored for healthcare treatment, payment, or operations under HIPAA;

(4) "Business associate" has the same meaning as defined by HIPAA;

(5) "Child" means a natural person younger than thirteen (13) years of age;

(6) "Consent":

(A) Means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal information relating to the consumer; and

(B) Includes a written statement, including a statement written by electronic means, or an unambiguous affirmative action;

(7) "Consumer":

(A) Means a natural person who is a resident of this state acting only in a personal context; and

(B) Does not include a natural person acting in a commercial or employment context;



(8) "Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal information;

(9) "Covered entity" has the same meaning as defined by HIPAA;

(10) "Decisions that produce legal or similarly significant effects concerning the consumer" means decisions made by the controller that result in the provision or denial by the controller of financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, healthcare services, or access to basic necessities, such as food and water;

(11) "De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to that individual;

(12) "Health record":

(A) Means a written, printed, or electronically recorded material that:

(i) Was created or is maintained by a healthcare entity described in or licensed under title 68 in the course of providing healthcare services to an individual; and

(ii) Concerns the individual and the services provided; and

(B) Includes the substance of a communication made by an individual to a healthcare entity described in or licensed under title 68 in confidence during or in connection with the provision of healthcare services or information otherwise acquired by the healthcare entity about an individual in confidence and in connection with the provision of healthcare services to the individual;

(13) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.);

(14) "Identified or identifiable natural person," "natural person," and "individual" mean a human being who can be readily identified, whether directly or indirectly;

(15) "Institution of higher education" means a public or private institution of higher education;

(16) "Nonprofit organization" means:

(A) A corporation organized under the Tennessee Nonprofit Corporation Act, compiled in title 48, chapter 51;

(B) An organization exempt from taxation under the Internal Revenue Code, codified in 26 U.S.C. §§ 501-530;

(C) A public utility organized under the laws of this state; or

(D) An entity owned or controlled by a nonprofit organization;

(17) "Personal information":

(A) Means information that is linked or reasonably linkable to an identified or identifiable natural person; and

(B) Does not include information that is:

(i) Publicly available information; or

(ii) De-identified or aggregate consumer information;

(18) "Precise geolocation data":

(A) Means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of one thousand seven hundred fifty feet (1,750'); and

(B) Does not include:

(i) The content of communications; or

(ii) Data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility;

(19) "Process" or "processing" means an operation or set of operations performed, whether by manual or automated means, on personal information or on sets of personal information, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal information;

(20) "Processor" means a natural or legal entity that processes personal information on behalf of a controller;

(21) "Profiling" means a form of solely automated processing performed on personal information to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements;

(22) "Protected health information" has the same meaning as defined by HIPAA;

(23) "Pseudonymous data" means personal information that cannot be attributed to a specific natural person without the use of additional information, so long as the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal information is not attributed to an identified or identifiable natural person;

(24) "Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience;

(25) "Sale of personal information":

(A) Means the exchange of personal information for valuable monetary consideration by the controller to a third party; and

(B) Does not include:

(i) The disclosure of personal information to a processor that processes the personal information on behalf of the controller;

(ii) The disclosure of personal information to a third party for purposes of providing a product or service requested by the consumer;

(iii) The disclosure or transfer of personal information to an affiliate of the controller;

(iv) The disclosure of information that the consumer:

(a) Intentionally made available to the general public via a channel of mass media; and

(b) Did not restrict to a specific audience; or

(v) The disclosure or transfer of personal information to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets;

(26) "Sensitive data" means a category of personal information that includes:

(A) Personal information revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

(B) The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

(C) The personal information collected from a known child; or

(D) Precise geolocation data;

(27) "State agency" means an agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch;

(28) "Targeted advertising":

(A) Means displaying to a consumer an advertisement that is selected based on personal information obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict the consumer's preferences or interests; and

(B) Does not include:

(i) Advertisements based on activities within a controller's own websites or online applications;

(ii) Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

(iii) Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

(iv) Personal information processed solely for measuring or reporting advertising performance, reach, or frequency;

(29) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller; and

(30) "Trade secret" means information, without regard to form, including, but not limited to, technical, nontechnical, or financial data, a formula, pattern, compilation, program, device, method, technique, plan, or process, that:

(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the information's disclosure or use; and

(B) Is the subject of efforts that are reasonable under the circumstances to maintain the information's secrecy.

**47-18-3202. Scope.**

This part applies to persons that conduct business in this state producing products or services that target residents of this state and that:

(1) Exceed twenty-five million dollars (\$25,000,000) in revenue; and

(2)

(A) Control or process personal information of at least twenty-five thousand (25,000) consumers and derive more than fifty percent (50%) of gross revenue from the sale of personal information; or

(B) During a calendar year, control or process personal information of at least one hundred thousand (100,000) consumers.

**47-18-3203. Personal information rights – Consumers.**

(a)

(1) A consumer may invoke the consumer rights authorized pursuant to subdivision (a)(2) at any time by submitting a request to a controller specifying the consumer rights the consumer wishes to invoke. A known child's parent or legal guardian may invoke the consumer rights authorized pursuant to subdivision (a)(2) on behalf of the child regarding processing personal information belonging to the known child.

(2) A controller shall comply with an authenticated consumer request to exercise the right to:

(A) Confirm whether a controller is processing the consumer's personal information and to access the personal information;

(B) Correct inaccuracies in the consumer's personal information, taking into account the nature of the personal information and the purposes of the processing of the consumer's personal information;

(C) Delete personal information provided by or obtained about the consumer. A controller is not required to delete information that it maintains or uses as aggregate or de-identified data; provided, that such data in the possession of the controller is not linked to a specific consumer. A controller that obtained personal information about a consumer from a source other than the consumer is in compliance with a consumer's request to delete such personal information by:

(i)

(a) Retaining a record of the deletion request and the minimum information necessary for the purpose of ensuring that the consumer's personal information remains deleted from the controller's records; and

(b) Not using such retained personal information for any purpose prohibited under this part; or

(ii) Opting the consumer out of the processing of such personal data for any purpose except for those exempted under this part;

(D) Obtain a copy of the consumer's personal information that the consumer previously provided to the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means; or

(E) Opt out of a controller's processing of personal information for purposes of:

(i) Selling personal information about the consumer;

(ii) Targeted advertising; or

(iii) Profiling in furtherance of decisions that produce legal or similarly significant effects concerning the consumer.

(b) Except as otherwise provided in this part, a controller shall comply with an authenticated request by a consumer to exercise the consumer rights authorized pursuant to subdivision (a)(2) as follows:

(1) A controller shall respond to the consumer without undue delay, but in all cases within forty-five (45) days of receipt of a request submitted pursuant to subsection (a). The response period may be extended once by forty-five (45) additional days when reasonably necessary, taking into account the complexity and number of the consumer's requests, so long as the controller informs the consumer of the extension within the initial forty-five-day response period, together with the reason for the extension;

(2) If a controller declines to take action regarding the consumer's request, then the controller shall inform the consumer without undue delay, but in all cases and at the latest within forty-five (45) days of receipt of the request, of the justification for declining to take action and instructions for how to appeal the decision pursuant to subsection (c);

(3) Information provided in response to a consumer request must be provided by a controller free of charge, up to twice annually per consumer. If requests from a consumer are manifestly unfounded, technically infeasible, excessive, or repetitive, then the controller may charge the consumer a reasonable fee to cover the administrative costs of complying with the request or decline to act on the request. The controller bears the burden of demonstrating the manifestly unfounded, technically infeasible, excessive, or repetitive nature of the request; and

(4) If a controller is unable to authenticate the request using commercially reasonable efforts, then the controller is not required to comply with



a request to initiate an action under subsection (a) and may request that the consumer provide additional information reasonably necessary to authenticate the consumer and the consumer's request.

(c) A controller shall establish a process for a consumer to appeal the controller's refusal to take action on a request within a reasonable period of time after the consumer's receipt of the decision pursuant to subdivision (b)(2). The appeal process must be made available to the consumer in a conspicuous manner, must be available at no cost to the consumer, and must be similar to the process for submitting requests to initiate action pursuant to subsection (a). Within sixty (60) days of receipt of an appeal, a controller shall inform the consumer in writing of action taken or not taken in response to the appeal, including a written explanation of the reasons for the decisions. If the appeal is denied, then the controller shall also provide the consumer with an online mechanism, if available, or other method through which the consumer may contact the attorney general and reporter to submit a complaint.

**47-18-3204. Data controller responsibilities – Transparency.**

(a) A controller shall:

(1) Limit the collection of personal information to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed, as disclosed to the consumer;

(2) Except as otherwise provided in this part, not process personal information for purposes that are beyond what is reasonably necessary to and compatible with the disclosed purposes for which the personal information is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

(3) Establish, implement, and maintain reasonable administrative, technical, and physical data security practices, as described in § 47-18-3213, to protect the confidentiality, integrity, and accessibility of personal information. The

data security practices must be appropriate to the volume and nature of the personal information at issue;

(4) Not be required to delete information that it maintains or uses as aggregate or de-identified data, provided that such data in the possession of the business is not linked to a specific consumer;

(5) Not process personal information in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising the consumer rights contained in this part, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, this subdivision (a)(5) does not require a controller to provide a product or service that requires the personal information of a consumer that the controller does not collect or maintain, or prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised the right to opt out pursuant to § 47-18-3203(a)(2)(F) or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and

(6) Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing the data in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) and its implementing regulations.

(b) A provision of a contract or agreement that purports to waive or limit the consumer rights described in § 47-18-3203 is contrary to public policy and is void and unenforceable.

(c) A controller shall provide a reasonably accessible, clear, and meaningful privacy notice that includes:

- (1) The categories of personal information processed by the controller;
- (2) The purpose for processing personal information;
- (3) How consumers may exercise their consumer rights pursuant to § 47-18-3203, including how a consumer may appeal a controller's decision with regard to the consumer's request;
- (4) The categories of personal information that the controller sells to third parties, if any; and
- (5) The categories of third parties, if any, to whom the controller sells personal information.

(d) If a controller sells personal information to third parties or processes personal information for targeted advertising, then the controller shall clearly and conspicuously disclose the processing, as well as the manner in which a consumer may exercise the right to opt out of the processing.

(e)

(1) A controller shall provide, and shall describe in a privacy notice, one (1) or more secure and reliable means for a consumer to submit a request to exercise the consumer rights in § 47-18-3203. Such means must take into account the:

- (A) Ways in which a consumer normally interacts with the controller;
- (B) Need for secure and reliable communication of such requests; and
- (C) Ability of a controller to authenticate the identity of the consumer making the request.

(2) A controller shall not require a consumer to create a new account in order to exercise consumer rights in § 47-18-3203, but may require a consumer to use an existing account.

**47-18-3205. Responsibility according to role – Controller and processor.**

(a) A processor shall adhere to the instructions of a controller and shall assist the controller in meeting its obligations under this part. The assistance must include:

(1) Taking into account the nature of processing and the information available to the processor, by appropriate technical and organizational measures, insofar as this is reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests pursuant to § 47-18-3203; and

(2) Providing necessary information to enable the controller to conduct and document data protection assessments pursuant to § 47-18-3206.

(b) A contract between a controller and a processor governs the processor's data processing procedures with respect to processing performed on behalf of the controller. The contract is binding and must clearly set forth instructions for processing data, the nature and purpose of processing, the type of data subject to processing, the duration of processing, and the rights and obligations of both parties. The contract must also include requirements that the processor shall:

(1) Ensure that each person processing personal information is subject to a duty of confidentiality with respect to the data;

(2) At the controller's direction, delete or return all personal information to the controller as requested at the end of the provision of services, unless retention of the personal information is required by law;

(3) Upon the reasonable request of the controller, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations in this part;

(4) Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor; alternatively, the processor may arrange for a qualified and independent assessor to conduct an assessment of the processor's policies and technical and organizational measures in support of the obligations under this part using an appropriate and accepted control standard or framework and assessment procedure for the assessments. The processor shall provide a report of each assessment to the controller upon request; and

(5) Engage a subcontractor pursuant to a written contract in that requires the subcontractor to meet the obligations of the processor with respect to the personal information.

(c) This section does not relieve a controller or a processor from the liabilities imposed on it by virtue of its role in the processing relationship as described in subsection (b).

(d) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal information is to be processed. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal information remains a processor.

**47-18-3206. Data protection assessments.**

(a) A controller shall conduct and document a data protection assessment of each of the following processing activities involving personal information:

(1) The processing of personal information for purposes of targeted advertising;

(2) The sale of personal information;

(3) The processing of personal information for purposes of profiling, where the profiling presents a reasonably foreseeable risk of:

(A) Unfair or deceptive treatment of, or unlawful disparate impact on, consumers;

(B) Financial, physical, or reputational injury to consumers;

(C) A physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where the intrusion would be offensive to a reasonable person; or

(D) Other substantial injury to consumers;

(4) The processing of sensitive data; and

(5) Processing activities involving personal information that present a heightened risk of harm to consumers.

(b) Data protection assessments conducted pursuant to subsection (a) must identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with the processing, as mitigated by safeguards that can be employed by the controller to reduce the risks. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal information will be processed, must be factored into this assessment by the controller.

(c) The attorney general and reporter may request pursuant to a civil investigative demand that a controller disclose a data protection assessment that is relevant to an investigation conducted by the attorney general and reporter, and the controller shall make the data protection assessment available to the attorney general and reporter. The attorney general and reporter may evaluate the data protection assessment for compliance with the responsibilities set forth in § 47-18-3204. Data protection assessments are confidential and not open to public inspection and copying. The disclosure of a data protection assessment pursuant to a request from the attorney

general and reporter does not constitute a waiver of attorney-client privilege or work product protection with respect to the assessment and information contained in the assessment.

(d) A single data protection assessment may address a comparable set of processing operations that include similar activities.

(e) Data protection assessments conducted by a controller for the purpose of compliance with other laws, rules, or regulations may comply with this section if the assessments have a reasonably comparable scope and effect.

(f) Data protection assessment requirements apply to processing activities created or generated on or after July 1, 2024, and are not retroactive.

**47-18-3207. Processing de-identified data – Exemptions.**

(a) The controller in possession of de-identified data shall:

- (1) Take reasonable measures to ensure that the data cannot be associated with a natural person;
- (2) Publicly commit to maintaining and using de-identified data without attempting to reidentify the data; and
- (3) Contractually obligate recipients of the de-identified data to comply with this part.

(b) This section does not require a controller or processor to:

- (1) Reidentify de-identified data or pseudonymous data;
- (2) Maintain data in identifiable form, or collect, obtain, retain, or access data or technology, in order to be capable of associating an authenticated consumer request with personal information; or
- (3) Comply with an authenticated consumer rights request, pursuant to § 47-18-3203, if:

(A) The controller is not reasonably capable of associating the request with the personal information or it would be unreasonably

burdensome for the controller to associate the request with the personal information;

(B) The controller does not use the personal information to recognize or respond to the specific consumer who is the subject of the personal information, or associate the personal information with other personal information about the same specific consumer; and

(C) The controller does not sell the personal information to a third party or otherwise voluntarily disclose the personal information to a third party other than a processor, except as otherwise permitted in this section.

(c) The consumer rights contained in §§ 47-18-3203 and 47-18-3204 do not apply to pseudonymous data in cases where the controller is able to demonstrate information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing that information.

(d) A controller that discloses pseudonymous data or de-identified data shall exercise reasonable oversight to monitor compliance with contractual commitments to which the pseudonymous data or de-identified data is subject and shall take appropriate steps to address breaches of those contractual commitments.

**47-18-3208. Limitations.**

(a) This part does not restrict a controller's or processor's ability to:

- (1) Comply with federal, state, or local laws, rules, or regulations;
- (2) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;
- (3) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;



(4) Investigate, establish, exercise, prepare for, or defend legal claims;

(5) Provide a product or service specifically requested by a consumer or the parent or legal guardian of a known child, perform a contract to which the consumer is a party, including fulfilling the terms of a written warranty, or take steps at the request of the consumer prior to entering into a contract;

(6) Take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(7) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activity, or illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for such action;

(8) Engage in public- or peer-reviewed scientific or statistical research in the public interest that adheres to all other applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board, or similar independent oversight entity that determines whether:

(A) Deletion of the information is likely to provide substantial benefits that do not exclusively accrue to the controller;

(B) The expected benefits of the research outweigh the privacy risks; and

(C) The controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including risks associated with reidentification; or

(9) Assist another controller, processor, or third party with the obligations under this part.

(b) The obligations imposed on controllers or processors under this part do not restrict a controller's or processor's ability to collect, use, or retain data to:

(1) Conduct internal research to develop, improve, or repair products, services, or technology;

(2) Effectuate a product recall;

(3) Identify and repair technical errors that impair existing or intended functionality; or

(4) Perform internal operations that are reasonably aligned with the expectations of the consumer or reasonably anticipated based on the consumer's existing relationship with the controller or are otherwise compatible with processing data in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party.

(c) The obligations imposed on controllers or processors under this part do not apply where compliance by the controller or processor with this part would violate an evidentiary privilege under the laws of this state. This part does not prevent a controller or processor from providing personal information concerning a consumer to a person covered by an evidentiary privilege under the laws of this state as part of a privileged communication.

(d)

(1) A controller or processor that discloses personal information to a third-party controller or processor, in compliance with the requirements of this part, is not in violation of this part if:

(A) The third-party controller or processor that receives and processes the personal information is in violation of this part; and

(B) At the time of disclosing the personal information, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation.

(2) A third-party controller or processor receiving personal information from a controller or processor in compliance with the requirements of this part is likewise not in violation of this part for the violations of the controller or processor from which it receives such personal information.

(e) This part does not impose an obligation on controllers and processors that adversely affects the rights or freedoms of a person, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution, or applies to the processing of personal information by a person in the course of a purely personal activity.

(f) A controller shall not process personal information for purposes other than those expressly listed in this section unless otherwise allowed by this part. Personal information processed by a controller pursuant to this section may be processed to the extent that the processing is:

(1) Reasonably necessary and proportionate to the purposes listed in this section; and

(2) Adequate, relevant, and limited to what is necessary in relation to the specific purposes listed in this section. Personal information collected, used, or retained pursuant to subsection (b) shall, where applicable, take into account the nature and purpose or purposes of the collection, use, or retention. The data is subject to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal information and to reduce reasonably foreseeable risks of harm to consumers relating to the collection, use, or retention of personal information.

(g) If a controller processes personal information pursuant to an exemption in this section, then the controller bears the burden of demonstrating that the processing qualifies for the exemption and complies with subsection (f).

(h) Processing personal information for the purposes expressly identified in subdivisions (a)(1)-(9) does not solely make an entity a controller with respect to the processing.

**47-18-3209. Investigative authority.**

If the attorney general and reporter has reasonable cause to believe that an individual, controller, or processor has engaged in, is engaging in, or is about to engage in a violation of this part, then the attorney general and reporter may issue a civil investigative demand.

**47-18-3210. Exemptions.**

(a) This part does not apply to:

(1) A body, authority, board, bureau, commission, district, or agency of this state or of a political subdivision of this state;

(2) A financial institution, an affiliate of a financial institution, or data subject to Title V of the federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.);

(3) An individual, firm, association, corporation, or other entity that is licensed in this state under title 56 as an insurance company and transacts insurance business;

(4) A covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States department of health and human services, 45 CFR Parts 160 and 164 established pursuant to HIPAA, and the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5);

(5) A nonprofit organization;

(6) An institution of higher education;

(7) Protected health information under HIPAA;

(8) Health records for purposes of title 68;

- (9) Patient identifying information for purposes of 42 U.S.C. § 290dd-2;
- (10) Personal information:
  - (A) Processed for purposes of:
    - (i) Research conducted in accordance with the federal policy for the protection of human subjects under 45 CFR Part 46;
    - (ii) Human subjects research conducted in accordance with good clinical practice guidelines issued by The International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use; or
    - (iii) Research conducted in accordance with the protection of human subjects under 21 CFR Parts 6, 50, and 56; or
  - (B) Processed or sold in connection with research conducted in accordance with the requirements set forth in this part, or other research conducted in accordance with applicable law;
- (11) Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. § 11101 et seq.);
- (12) Patient safety work product for purposes of the federal Patient Safety and Quality Improvement Act (42 U.S.C. § 299b-21 et seq.);
- (13) Information that is:
  - (A) Derived from the healthcare-related information listed in this subsection (a) that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA; or
  - (B) Included in a limited data set as described in 45 CFR 164.514(e), to the extent that the information is used, disclosed, and maintained in the manner specified in 45 CFR 164.514(e);
- (14) Information originating from, and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under

this subsection (a) that is maintained by a covered entity or business associate as defined by HIPAA or a program or a qualified service organization as defined by 42 U.S.C. § 290dd-2;

(15) Information used only for public health activities and purposes as authorized by HIPAA;

(16) The collection, maintenance, disclosure, sale, communication, or use of personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency or furnisher that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.);

(17) Personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.);

(18) Personal information or educational information regulated by the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g et seq.);

(19) Personal information collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act (12 U.S.C. § 2001 et seq.);

(20) Data processed or maintained:

(A) In the course of an individual applying to, being employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role;

(B) As the emergency contact information of an individual under this part used for emergency contact purposes; or

(C) That is necessary to retain to administer benefits for another individual relating to the individual under subdivision (a)(20)(A) and used for the purposes of administering those benefits;

(21) Information collected as part of public- or peer-reviewed scientific or statistical research in the public interest; or

(22) An insurance producer licensed under title 56.

(b) Controllers and processors that comply with the verifiable parental consent requirements of the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.) are deemed compliant with an obligation to obtain parental consent under this part.

(c) This part does not require a controller, processor, third party, or consumer to disclose trade secrets.

**47-18-3211. Contracts.**

(a) A provision of a contract or agreement that waives or limits a consumer's rights under this part, including, but not limited to, a right to a remedy or means of enforcement, is contrary to public policy, void, and unenforceable.

(b) This part does not prevent a consumer from declining to request information from a controller, declining to opt out of a controller's sale of the consumer's personal information, or authorizing a controller to sell the consumer's personal information after previously opting out.

(c) This part applies to contracts entered into, amended, or renewed on or after the effective date of this act.

**47-18-3212. Enforcement – Civil penalty – Expenses.**

(a) The attorney general and reporter has exclusive authority to enforce this part.

(b) The attorney general and reporter may develop reasonable cause to believe that a controller or processor is in violation of this part, based on the attorney general and reporter's own inquiry or on consumer or public complaints. Prior to initiating an action under this part, the attorney general and reporter shall provide a controller or

processor sixty-days' written notice identifying the specific provisions of this part the attorney general and reporter alleges have been or are being violated. If within the sixty-day period, the controller or processor cures the noticed violation and provides the attorney general and reporter an express written statement that the alleged violations have been cured and that no such further violations shall occur, then the attorney general and reporter shall not initiate an action against the controller or processor.

(c) If a controller or processor continues to violate this part following the cure period in subsection (b) or breaches an express written statement provided to the attorney general and reporter under subsection (b), then the attorney general and reporter may bring an action in a court of competent jurisdiction seeking any of the following relief:

- (1) Declaratory judgment that the act or practice violates this chapter;
- (2) Injunctive relief, including preliminary and permanent injunctions, to prevent an additional violation of and compel compliance with this part;
- (3) Civil penalties, as described in subsection (d);
- (4) Reasonable attorney's fees and investigative costs; or
- (5) Other relief the court determines appropriate.

(d)

(1) A court may impose a civil penalty of up to seven thousand five hundred dollars (\$7,500) for each violation of this part.

(2) If the court finds the controller or processor willfully or knowingly violated this part, then the court may, in its discretion, award treble damages.

(e) A violation of this part shall not serve as the basis for, or be subject to, a private right of action, including a class action lawsuit, under this part or other law.

(f) The attorney general and reporter may recover reasonable expenses incurred in investigating and preparing a case, including attorney fees, in an action initiated under this part.



**47-18-3213. Affirmative defense – Voluntary privacy program.**

(a) A controller or processor has an affirmative defense to a cause of action for a violation of this part if the controller or processor creates, maintains, and complies with a written privacy policy that:

(1)

(A) Reasonably conforms to the National Institute of Standards and Technology (NIST) privacy framework entitled "A Tool for Improving Privacy through Enterprise Risk Management Version 1.0." or another comparable privacy framework; and

(B) Is updated to reasonably conform with a subsequent revision to the NIST or comparable privacy framework within two (2) years of the publication date stated in the most recent revision to the NIST or comparable privacy framework; and

(2) Provides a person with the substantive rights required by this part.

(b) The scale and scope of a controller or processor's privacy program under subsection (a) is appropriate if it is based on all of the following factors:

(1) The size and complexity of the controller or processor's business;

(2) The nature and scope of the activities of the controller or processor;

(3) The sensitivity of the personal information processed;

(4) The cost and availability of tools to improve privacy protections and data governance; and

(5) Compliance with a comparable state or federal law.

(c)

(1) In addition to subsections (a) and (b):

(A) A controller may be certified pursuant to the Asia Pacific Economic Cooperation's Cross Border Privacy Rules system; and

(B) A processor may be certified pursuant to the Asia Pacific Economic Cooperation's Privacy Recognition for Processors system.

(2) Certifications under subdivision (c)(1) may be considered in addition to the factors in subsection (b).

SECTION 3. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act supersedes and preempts any conflicting provisions of any public or private act and laws, ordinances, resolutions, regulations, or the equivalent adopted by a home rule municipality, county, including a metropolitan government, or city regarding the processing of personal data by controllers or processors. To the extent there exists a conflict, this section does not require the home rule municipality, county, or city to adopt any law, ordinance, resolution, regulation, or the equivalent to modify or repeal such conflicting provisions enacted prior to the effective date of this act.

SECTION 5. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 6. This act takes effect July 1, 2025, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Kevin Vanham*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1109**

**House Bill No. 637\***

by adding the following as a new subsection in SECTION 1:

(f)

(1) This section does not apply to an employer who:

(A) Has a religious objection to working with a person who is  
unvaccinated or refuses to obtain an immunization; and

(B) Provides a signed, written statement of religious objection to working  
with a person who is unvaccinated or refuses to obtain an immunization.

(2) An employer who provides a statement of religious objection is not required  
to provide any form of proof of the employer's religious conviction beyond the signed,  
written statement.



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1109**

**House Bill No. 637\***

by deleting subdivision (a)(2) in SECTION 1 and substituting:

(2) "Employer":

(A) Means a person or entity that employs one (1) or more persons; and

(B) Does not include a medicare or medicaid certified healthcare provider, but only to the extent such healthcare provider is subject to a valid and enforceable medicare or medicaid condition or requirement of participation that imposes a requirement contrary to this section; and



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1109**

**House Bill No. 637\***

by adding the following to SECTION 1 as a new subsection:

(f)

(1) This section does not apply to a person in this state who is subject to an employment-related immunization requirement because the person is employed by the federal government or is performing work pursuant to a contract with the federal government.

(2) It is the intent of the general assembly that the right of a person described in subdivision (f)(1) to object to an employment-related immunization requirement on the basis of a religious conviction will be protected by the United States Constitution.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 649**

**House Bill No. 650\***

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Booting Consumer Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-3201.**

As used in this part:

(1) "Authorized vehicle immobilization device operator" or "operator" means a person authorized by a political subdivision of this state to be engaged in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision;

(2) "Engaged in the business of installing vehicle immobilization devices" means installing or removing vehicle immobilization devices on motor vehicles in exchange for monetary payment or other valuable consideration, whether such payment or consideration is received for the installation or the removal of the vehicle immobilization device;

(3) "Person" means an individual, sole proprietor, independent contractor, partnership, corporation, or similar business entity;

(4) "Political subdivision" means a municipality, public corporation, body politic, authority, district, metropolitan government, county, or an agency, department, or board of such entities; and



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(5) "Vehicle immobilization device" means a mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of a parked motor vehicle to prohibit the motor vehicle's usual manner of movement or operation.

**47-18-3202.**

(a) A person engaged in the business of installing vehicle immobilization devices on motor vehicles in this state shall:

(1) Accept credit cards and debit cards as methods of payment for the removal of a vehicle immobilization device from a motor vehicle; and

(2) If the person who is requesting removal of the vehicle immobilization device elects to make the payment by credit card or debit card and the payment cannot be completed by the card without undue delay at the site where the motor vehicle to which the vehicle immobilization device is attached is located, and an optional online payment method as described in subdivision (c)(3) is either unavailable or has been refused by the individual, remove the vehicle immobilization device and issue a billing invoice for payment due:

(A) To the individual who is requesting the removal of the vehicle immobilization device, if such individual provides a valid form of identification; or

(B) By mail to the registered owner of the vehicle.

(b)

(1) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall utilize for the work of installing and removing such devices only those persons who are required to file a W-2 wage and tax statement with the federal internal revenue service for the compensation those persons receive for the work performed.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not:

(A) Contract for or engage the services of an independent contractor to install or remove vehicle immobilization devices; or

(B) Compensate employees on a commission basis.

(c)

(1) Subsection (a) does not prohibit a person engaged in the business of installing vehicle immobilization devices on motor vehicles from accepting cash or other methods of payment if the person making such payment, in that person's sole discretion, elects to use such alternative payment method.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge a fee to accept payment by credit card or debit card.

(3) A person engaged in the business of installing vehicle immobilization devices on motor vehicles may offer an alternative, online payment service as an optional payment method. If the person making payment for the removal of the vehicle immobilization device elects, in the person's sole discretion, to use the optional online payment method, then the provider of the online payment service may charge a three percent (3%) convenience fee. This subdivision (c)(3) supersedes all local ordinances, rules, or other enactments to the contrary.

(4)

(A) Except as otherwise provided in subdivisions (c)(4)(B) and (C), a person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge more than seventy-five dollars (\$75.00) to remove a vehicle immobilization device.



(B) The cost to remove an immobilization device may increase by seventy-five dollars (\$75.00) for each twenty-four-hour period that the vehicle remains immobilized.

(C) If a vehicle immobilization device is placed on a vehicle that is parked on private property due to the vehicle owner's failure to pay the required parking charge, then the owner or operator of the private property may require the owner of the vehicle to pay the applicable immobilization device removal fee and all unpaid parking fines and fees to have the immobilization device removed.

(D) This subdivision (c)(4) supersedes all local ordinances, rules, or other enactments to the contrary.

(d)

(1)

(A) An owner, lessee, or other person who has control of a property for which an enforceable agreement exists with a person engaged in the business of installing vehicle immobilization devices to provide parking enforcement services by installing vehicle immobilization devices on motor vehicles on such property shall post signage in a conspicuous location on the property bearing notice:

(i) That the parking policy for the property is strictly enforced;

(ii) That a violator's vehicle will be immobilized with a vehicle immobilization device with the owner of the vehicle having to pay to have the device removed;

(iii) That a maximum fee of seventy-five dollars (\$75.00) is charged for each day the vehicle immobilization device remains on the vehicle;

(iv) Of the name and phone number of the authorized vehicle immobilization device operator; and

(v) That consumers are protected from violations of this part and that violations may be reported to the attorney general and reporter.

(B) The sign required by this subdivision (d)(1) must:

(i) Be no less than twenty-four inches (24") in height and eighteen inches (18") in width and contain lettering that is no less than two inches (2") in height; and

(ii)

(a) Be located at each designated entrance to the property where parking prohibitions are in place; or

(b) If there is no designated entrance, be erected in a place that is clearly visible from each parking space.

(C) Notwithstanding subdivisions (d)(1)(A) and (B)(i), if on the effective date of this act a property has existing signage posted that contains the notice required by subdivisions (d)(1)(A)(i)-(iv), then the signage complies with subdivision (d)(1)(A) and is exempt from the requirements of subdivision (d)(1)(B)(i) if the notice required by subdivision (d)(1)(A)(v) is permanently affixed adjacent to the existing signage. However, new or replacement signage installed on or after the effective date of this act must comply with subdivisions (d)(1)(A) and (B)(i).

(2) A person engaged in the business of installing vehicle immobilization devices shall not install a vehicle immobilization device on a motor vehicle if the motor vehicle is located on property that does not comply with the signage requirements under subdivision (d)(1).

**47-18-3203.**

(a) A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977.

(b) A violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to any penalties and remedies established under this part.

(c) If the attorney general and reporter reasonably believes that any person has violated this part, then the attorney general and reporter may institute a proceeding under this chapter.

**47-18-3204.**

(a) If an authorized vehicle immobilization device operator is found to have violated § 47-18-3202 as part of a final judgment and the operator has no opportunity to appeal the judgment, then the attorney general and reporter shall send notice of the violation to each political subdivision that has authorized the operator to operate within its jurisdictional area.

(b) Upon the receipt of notice from the attorney general and reporter that an operator has committed a third violation of § 47-18-3202, a political subdivision shall permanently revoke the operator's authorization to engage in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

( ) Violating § 47-18-3202.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. \_\_\_\_\_



\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 649**

**House Bill No. 650\***

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Booting Consumer Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

**47-18-3201.**

As used in this part:

(1) "Authorized vehicle immobilization device operator" or "operator" means a person authorized by a political subdivision of this state to be engaged in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision;

(2) "Engaged in the business of installing vehicle immobilization devices" means installing or removing vehicle immobilization devices on motor vehicles in exchange for monetary payment or other valuable consideration, whether such payment or consideration is received for the installation or the removal of the vehicle immobilization device;

(3) "Person" means an individual, sole proprietor, independent contractor, partnership, corporation, or similar business entity;

(4) "Political subdivision" means a municipality, public corporation, body politic, authority, district, metropolitan government, county, or an agency, department, or board of such entities; and



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(5) "Vehicle immobilization device" means a mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of a parked motor vehicle to prohibit the motor vehicle's usual manner of movement or operation.

**47-18-3202.**

(a) A person engaged in the business of installing vehicle immobilization devices on motor vehicles in this state shall:

(1) Accept credit cards and debit cards as methods of payment for the removal of a vehicle immobilization device from a motor vehicle; and

(2) If the person who is requesting removal of the vehicle immobilization device elects to make the payment by credit card or debit card and the payment cannot be completed by the card without undue delay at the site where the motor vehicle to which the vehicle immobilization device is attached is located, and an optional online payment method as described in subdivision (c)(3) is either unavailable or has been refused by the individual, remove the vehicle immobilization device and issue a billing invoice for payment due:

(A) To the individual who is requesting the removal of the vehicle immobilization device, if such individual provides a valid form of identification; or

(B) By mail to the registered owner of the vehicle.

(b)

(1) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall utilize for the work of installing and removing such devices only those persons who are required to file a W-2 wage and tax statement with the federal internal revenue service for the compensation those persons receive for the work performed.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not:

(A) Contract for or engage the services of an independent contractor to install or remove vehicle immobilization devices; or

(B) Compensate employees on a commission basis.

(c)

(1) Subsection (a) does not prohibit a person engaged in the business of installing vehicle immobilization devices on motor vehicles from accepting cash or other methods of payment if the person making such payment, in that person's sole discretion, elects to use such alternative payment method.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge a fee to accept payment by credit card or debit card.

(3) A person engaged in the business of installing vehicle immobilization devices on motor vehicles may offer an alternative, online payment service as an optional payment method. If the person making payment for the removal of the vehicle immobilization device elects, in the person's sole discretion, to use the optional online payment method, then the provider of the online payment service may charge a three percent (3%) convenience fee. This subdivision (c)(3) supersedes all local ordinances, rules, or other enactments to the contrary.

(4)

(A) If a vehicle immobilization device is placed on a vehicle that is parked on private property due to the vehicle owner's failure to pay the required parking charge, then the owner or operator of the private property may require the owner of the vehicle to pay the applicable immobilization device removal fee and all unpaid parking fines and fees to have the immobilization device removed.

(B) This subdivision (c)(4) supersedes all local ordinances, rules, or other enactments to the contrary.

(d)

(1)

(A) An owner, lessee, or other person who has control of a property for which an enforceable agreement exists with a person engaged in the business of installing vehicle immobilization devices to provide parking enforcement services by installing vehicle immobilization devices on motor vehicles on such property shall post signage in a conspicuous location on the property bearing notice:

(i) That the parking policy for the property is strictly enforced;

(ii) That a violator's vehicle will be immobilized with a vehicle immobilization device with the owner of the vehicle having to pay to have the device removed;

(iii) Of the name and phone number of the authorized vehicle immobilization device operator; and

(iv) That consumers are protected from violations of this part and that violations may be reported to the attorney general and reporter.

(B) The sign required by this subdivision (d)(1) must:

(i) Be no less than twenty-four inches (24") in height and eighteen inches (18") in width and contain lettering that is no less than two inches (2") in height; and

(ii)

(a) Be located at each designated entrance to the property where parking prohibitions are in place; or

(b) If there is no designated entrance, be erected  
in a place that is clearly visible from each parking space.

(C) Notwithstanding subdivisions (d)(1)(A) and (B)(i), if on the effective date of this act a property has existing signage posted that contains the notice required by subdivisions (d)(1)(A)(i)-(iii), then the signage complies with subdivision (d)(1)(A) and is exempt from the requirements of subdivision (d)(1)(B)(i) if the notice required by subdivision (d)(1)(A)(iv) is permanently affixed adjacent to the existing signage. However, new or replacement signage installed on or after the effective date of this act must comply with subdivisions (d)(1)(A) and (B)(i).

(2) A person engaged in the business of installing vehicle immobilization devices shall not install a vehicle immobilization device on a motor vehicle if the motor vehicle is located on property that does not comply with the signage requirements under subdivision (d)(1).

**47-18-3203.**

(a) A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977.

(b) A violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to any penalties and remedies established under this part.

(c) If the attorney general and reporter reasonably believes that any person has violated this part, then the attorney general and reporter may institute a proceeding under this chapter.

**47-18-3204.**



(a) If an authorized vehicle immobilization device operator is found to have violated § 47-18-3202 as part of a final judgment and the operator has no opportunity to appeal the judgment, then the attorney general and reporter shall send notice of the violation to each political subdivision that has authorized the operator to operate within its jurisdictional area.

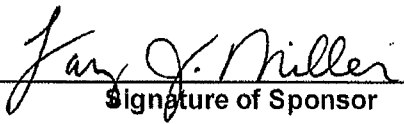
(b) Upon the receipt of notice from the attorney general and reporter that an operator has committed a third violation of § 47-18-3202, a political subdivision shall permanently revoke the operator's authorization to engage in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

( ) Violating § 47-18-3202.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 913\***

**House Bill No. 1136**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-104-105, is amended by deleting subsection (a) and substituting:

(a) This chapter does not require a request for the issuance of a retailer's or seasonal retailer's fireworks permit to be signed by the chief executive officer of the county or municipality in which fireworks are to be sold or offered for sale to the public or by a person appointed or designated by the chief executive officer, if:

(1) The sale of fireworks at retail is permitted in the county or municipality; or

(2) Fireworks are offered for sale to the public in the county or municipality.

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

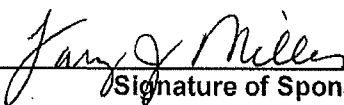


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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| Comm. Amdt. _____ |

**AMEND Senate Bill No. 914\***

**House Bill No. 1137**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-104-211, is amended by deleting subdivisions (3) and (4) and substituting:

(3)

(A) An application for a permit for a public display must:

(i) Except as provided in subdivision (a)(3)(B), be made in writing at least ten (10) days in advance of the proposed display; and

(ii) Show that the proposed display is to be so located and supervised that it is not hazardous to property and that it will not endanger human lives.

(B) The fire marshal may accept an application and issue a permit for a public display within the ten-day window and charge the applicant, in addition to the regular permit fee, an expedited permit fee, to be established by rule but not to exceed twice the amount of the regular permit fee, for the issuance of an expedited public display permit.

(C) The fire marshal shall process and approve an application for a permit for a public display if all other requirements of this chapter, and the safety requirements of subdivision (a)(3)(A)(ii), are met.

(4)

(A) If the display is to be performed within the limits of a municipality, then at the time the application for a permit is filed for the public display to be



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held, the permittee shall send a written notification to the chief supervisory official of the police department of the municipality stating the date, time, and location of the public display.

(B) If the display is to be performed within the limits of the county but outside the limits of a municipality, then at the time the application for a permit is filed for the public display to be held, the permittee shall send a written notification to the chief supervisory law enforcement official of the county stating the date, time, and location of the public display.

(C) The chief supervisory fire department officials of the county, or the officials' designee:

(i) May demand all necessary documentation to ensure that the permittee has a fire suppression vehicle or firefighter at the site of the fireworks display as required by this part. The documentation does not have to be submitted to the department; and

(ii) Shall determine how many firefighters are required for the fireworks display.

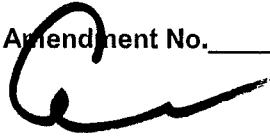
(D) An application for a permit for a public display does not require:

(i) For a display to be performed within the limits of a municipality, the signed approval of the chief supervisory officials of the fire department of the municipality; or

(ii) For a display to be performed within the limits of the county but outside the limits of a municipality, the signed approval of the chief supervisory law enforcement official of the county.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to applications submitted, and permits issued, on or after that date.

Amendment No. \_\_\_\_\_



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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1247**

**House Bill No. 1291\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-3-129, is amended by adding the following as a new subsection:

(d)

(1) For the reinstatement of a certificate of registration required by this chapter for the practice of a profession listed in subdivision (d)(4) that has been expired for more than three (3) years but less than eight (8) years, the board shall:

(A) Waive reexamination or additional education requirements for the applicant; and

(B) Reinstatement the certificate of registration subject to the applicant's compliance with reasonable conditions that the board may prescribe, including payment of an additional reasonable fee to be set by the board.

(2) Subdivision (d)(1) applies to persons who, at the time of the person's failure to renew the certificate of registration:

(A) Are in good standing with the board; and

(B) Have been registered to practice a profession listed in subdivision (d)(4) for twenty (20) or more years.

(3) Subdivision (d)(1) does not apply to certificates of registration required under §§ 62-3-122 and 62-3-123.



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(4) Except as otherwise provided, this subsection (d) applies to certificates of registration to practice as the following:

- (A) Master barber;
- (B) Barber instructor; and
- (C) Technician.

SECTION 2. Tennessee Code Annotated, Section 62-3-129(c)(1), is amended by deleting the language "For the reinstatement of a certificate" and substituting "Except as provided in subsection (d), for the reinstatement of a certificate".

SECTION 3. Tennessee Code Annotated, Section 62-3-129(c)(2), is amended by deleting the language "For the reinstatement of a certificate" and substituting "Except as provided in subsection (d), for the reinstatement of a certificate".

SECTION 4. Tennessee Code Annotated, Section 62-3-129(c)(3), is amended by deleting the language "For the reinstatement of the certificate" and substituting "Except as provided in subsection (d), for the reinstatement of the certificate".

SECTION 5. Tennessee Code Annotated, Section 62-4-117, is amended by adding the following as a new subsection:

(h)

(1) For the reinstatement of a license required by this chapter for the practice of a profession listed in subdivision (h)(4) that has been expired for more than three (3) years but less than eight (8) years, the board shall:

(A) Waive reexamination or additional education requirements for the applicant; and

(B) Reinstatement the license subject to the applicant's compliance with reasonable conditions that the board may prescribe, including payment of an additional reasonable fee to be set by the board.

(2) Subdivision (h)(1) applies to persons who, at the time of the person's failure to renew the license:

(A) Are In good standing with the board; and

(B) Have been licensed to practice a profession listed in  
subdivision (h)(4) for twenty (20) or more years.

(3) Subdivision (h)(1) does not apply to licenses required under §§ 62-4-121 and 62-4-122.

(4) Except as otherwise provided, this subsection (h) applies to licenses  
to practice as the following:

(A) Cosmetologist;

(B) Manicurist;

(C) Aesthetician; and

(D) Natural hair stylist.

SECTION 6. Tennessee Code Annotated, Section 62-4-117(d), is amended by deleting the language "A license issued" and substituting "Except as provided in subsection (h), a license issued".

SECTION 7. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No.

3674

*Dennis Powers*  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

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**AMEND Senate Bill No. 111\***

**House Bill No. 682**

by deleting all language after the caption and substituting:

WHEREAS, the General Assembly finds that social media platforms represent an extraordinary advance in communication technology for Tennesseans and have become ubiquitous in American society; and

WHEREAS, the General Assembly finds that users should be afforded control over their social media accounts as social media platforms provide unprecedented avenues for the dissemination of speech; and

WHEREAS, the General Assembly finds that social media platforms have transformed into the new public town square, where Tennesseans increasingly rely on such platforms to express their opinions; and

WHEREAS, the General Assembly finds that social media platforms have become as important for conveying public opinion as common carriers have become for supporting modern society, such as utility and telephone companies; and

WHEREAS, social media platforms have unprecedented and concentrated control over speech and possess substantial market power in this arena; and

WHEREAS, our legal system and its British predecessor have long subjected certain businesses, known as common carriers, to special regulations, including a general requirement to serve all comers; and

WHEREAS, the Supreme Court of the United States suggested long ago that common carriage regulation may be justified for industries not historically recognized as common carriers



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when the industry or business by circumstances and its nature rise from being a private entity to one of public concern; and

WHEREAS, there is clear historical precedent for regulating communication networks in a similar manner as traditional common carriers. Telegraphs, for example, were regulated as common carriers after the American Industrial Revolution because they resembled railroad companies and other common carriers, and were bound to serve all customers alike, without discrimination; and

WHEREAS, social media platforms that hold themselves out to the public resemble traditional common carriers. Although digital instead of physical, social media platforms "carry" information from one user to another, or even thousands of others; and

WHEREAS, the concentration of market power among a handful of social media platforms gives such platforms enormous control over speech and its dissemination by hundreds of millions of users. Such platforms control speech by suppressing content by deindexing or downlisting a search result and by steering users away from content by manually altering search results and algorithms. Furthermore, such platforms can greatly narrow a person's information flow through similar manipulation, or disrupt the sale and distribution of books, e-books, and other literature and information, in a manner that can impose cataclysmic consequences on authors and other content creators by blocking a listing or access to a website, platform, or social media account; and

WHEREAS, if the analogy between common carriers and social media platforms is correct, then laws that restrict a platform's ability to exclude users are appropriate and necessary; and

WHEREAS, the General Assembly finds that social media platforms are common carriers that unfairly censor, shadow ban, deplatform, or apply post-prioritization algorithms to Tennessee candidates, Tennessee users, and Tennessee residents, and that such platforms are not acting in good faith; and

WHEREAS, the General Assembly finds that this State has a substantial interest in protecting its residents from inconsistent and unfair actions by social media platforms that hold themselves out to the public at large and have risen to become institutions of significant public interest; and

WHEREAS, the General Assembly finds that this State must vigorously protect Tennesseans and the public at large by ensuring that common carriers, including social media platforms, do not discriminate against their users; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding SECTIONS 2-7 as a new chapter.

SECTION 2.

As used in this chapter:

(1) "Algorithm" means a mathematical set of rules that specifies how a group of data behaves and that:

(A) Assists in ranking search results and maintaining order; or

(B) Is used in sorting or ranking content or material based on relevancy or other factors instead of using published time or chronological order of the content or material;

(2) "Candidate" means an individual who runs or seeks to qualify for public office;

(3) "Censor" means:

(A) An action taken by a social media platform to delete, regulate, restrict, edit, alter, inhibit the publication or republication of, suspend a right to post, remove, or post an addendum to content or material posted by a user; or

(B) An action to inhibit the ability of a user to be viewable by, or to interact with, another user of the social media platform;

- (4) "Commission" means the Tennessee public utility commission;
- (5) "Deplatform" means the action or practice by a social media platform to permanently delete or ban a user, or to temporarily delete or ban a user, from the social media platform for more than twenty-one (21) consecutive days;
- (6) "Journalistic enterprise" means an entity doing business in this state that:

- (A) Publishes in excess of one hundred thousand (100,000) words available online with at least fifty thousand (50,000) paid subscribers or one hundred thousand (100,000) monthly active users;
- (B) Publishes one hundred (100) hours of audio or video available online with at least one hundred million (100,000,000) viewers annually;
- (C) Operates a cable channel that provides more than forty (40) hours of content per week to more than one hundred thousand (100,000) cable television subscribers; or
- (D) Operates under a broadcast license issued by the federal communications commission;

(7) "Official" means an individual who is elected or appointed to a public office;

(8) "Post-prioritization":

(A) Means an action by a social media platform to place, feature, or prioritize certain content or material ahead of, below, or in a more or less prominent position than others in a newsfeed, a feed, a view, or search results; and

(B) Does not include such actions with respect to content and material of a third party, including other users, based on payments by the third party to the social media platform;

(9) "Shadow ban":

(A) Means an action by a social media platform, whether the action is determined by a natural person or an algorithm, to limit or eliminate the exposure of a user or content or material posted by a user to other users of the social media platform; and

(B) Includes such actions by a social media platform that are not readily apparent to a user;

(10) "Social media" means an electronic medium that allows users to create and view user-generated content, including, but not limited to, uploaded or downloaded videos, photographs, or internet links, posts, blogs, audio files, instant messages, or emails;

(11) "Social media platform":

(A) Means an information service, system, internet search engine, computer service, internet platform, or access software provider that:

(i) Provides or enables computer access by multiple users to social media; and

(ii) Operates as a legal entity doing business in this state;

and

(B) Does not include:

(i) An internet service provider, electronic mail, or online service application;

(ii) A website consisting primarily of news, sports, entertainment, or other information or content that is not user-generated but is preselected or curated by the provider and for which chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of that information or content; or

(iii) An online service, website, or application whose primary purpose is related to academic or scholarly research; and

(12) "User":

(A) Means a person who resides or is located in this state and who has an account on a social media platform, regardless of whether the person posts or has posted content or material to the social media platform; and

(B) Includes a journalistic enterprise.

### SECTION 3.

(a) An operator of a social media platform authorizing users located in this state to post content or material on the platform shall, on or before April 1, 2024, and by January 1, 2025, for each year thereafter, obtain a certificate of public convenience and necessity as a social media common carrier.

(b) The commission shall prescribe by rule in consultation with the office of the attorney general and reporter the form on which application may be made for a certificate and the fee for the certificate. The commission may prescribe an equitable fee schedule based on a social media platform's gross annual revenue or the number of global individual platform participants.

(c) The operator of a social media platform shall disclose and file with the commission as part of the operator's application for a certificate all information relating to ownership and control of the company that is required to be filed with the federal communications commission.

(d)

(1) If the commission finds that a social media operator is operating in this state without a valid certificate, or has failed to provide the commission with all information required by this section or by rule of the commission regarding the

application for a certificate or the operation of the social media platform, then the commission shall provide the operator with written notice of its failure to comply.

(2) If, after sixty (60) days of providing notice under subdivision (d)(1), the operator remains out of compliance, then the commission shall conduct a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and may fine the operator in an amount not to exceed fifty thousand dollars (\$50,000), and may exercise discretion in the amount of such fine based on the severity of the operator's noncompliance. The commission may levy such fine each thirty (30) days thereafter against the operator if the operator remains noncompliant.

#### SECTION 4.

(a)

(1) Except as otherwise provided in this chapter, a social media platform shall not intentionally deplatform or shadow ban a user of the social media platform if the basis of such action is rooted in political ideology, viewpoint discrimination, personal animus, or discrimination because of race, creed, color, religion, sex, age, or national origin.

(2) Subdivision (a)(1) does not prohibit a social media platform from taking action to restrict access to, or the availability of, material in accordance with 47 U.S.C. § 230 that the social media platform considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, regardless of whether the material is constitutionally protected.

(b) If the commission, by its own inquiry or as a result of the filing of a written complaint by a user, suspects that a violation of this section is imminent, occurring, or has occurred, then the commission may investigate the suspected violation. Based on its investigation, the commission may conduct a contested case hearing to take appropriate action in accordance with subsection (c).

(c) If the commission finds a violation of subdivision (a)(1) after a contested case hearing, the commission may:

(1) Fine the operator of a social media platform:

(A) For a user who is not a candidate for public office or an official, twenty-five thousand dollars (\$25,000) for each day the social media platform is not in compliance with subdivision (a)(1); or

(B) For a user known by the social media platform to be a candidate for public office or an official, one hundred thousand dollars (\$100,000) for each day the social media platform is not in compliance with subdivision (a)(1); and

(2) Suspend or revoke the certificate of public convenience and necessity of the social media platform indefinitely until the platform's operator provides the commission with proof satisfactory to the commission that the social media platform is in compliance with subdivision (a)(1).

(d) If the commission finds that a social media platform has violated subdivision (a)(1) at the conclusion of the contested case hearing, a user may bring a private cause of action for the violation of subdivision (a)(1). In addition to the fines that may be levied under subsection (c), a court of competent jurisdiction may award the following to the user:

(1) Actual damages;

(2) Punitive damages, under § 29-39-104, if appropriate;

(3) Other forms of equitable relief, including injunctive relief; and

(4) Costs and reasonable attorney fees.

(e) If the commission investigates an alleged violation of this section, then the commission's investigative powers include, but are not limited to, the ability to subpoena algorithms used by a social media platform related to the alleged violation.

(f) This section must be enforced:

(1) To the extent not inconsistent with 47 U.S.C. § 230 or other applicable federal law; and

(2) Notwithstanding other state law.

(g) A social media platform is not subject to an administrative fine or to damages pursuant to an order of a court if the commission or court, as applicable, finds that the social media platform:

(1) Relied in good faith on 47 U.S.C. § 230 in censoring or banning a user and applied such censorship or ban fairly and equitably to all users of the social media platform who posted the same or substantially the same objectionable material;

(2) Has in place an adequate appeals process that is available to the user; and

(3) Agrees to restore the user's account in a reasonable period of time in accordance with rules prescribed under SECTION 5(a)(6), unless the user's persistent violation of permitted rules justifies permanent removal from the social media platform.

#### SECTION 5.

(a) The commission shall promulgate rules in consultation with the office of the attorney general and reporter to effectuate the purposes of this chapter, including, without limitation, rules prescribing:

(1) Model policies for social media platforms for notifying a user that the user is being censored or banned;

(2) An appeals process by which a user can challenge censorship by a social media platform;

(3) Specific types of speech or posts that may be removed or censored;

(4) The process for reviewing an act of censorship by a social media platform;



(5) Circumstances under which a social media platform will not be subject to civil liability or administrative action under SECTION 4;

(6) Reasonable time periods by which a social media platform must restore a user's account after being censored or banned based on the nature of the content posted and the number of times the user has violated the policies of the social media platform, including allowance of permanently banning a user from the social media platform if the user's persistent violation of permitted rules justifies permanent removal from the social media platform; and

(7) Additional criteria for obtaining a license as a social media common carrier.

(b) The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. The middle division of the court of appeals has exclusive jurisdiction to hear an appeal of a final action of the commission after a contested case hearing under this chapter.

SECTION 7. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 8. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate the provisions and intent of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect April 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 233\***

**House Bill No. 379**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-35-123, is amended by deleting subsection (b).

SECTION 2. Tennessee Code Annotated, Section 62-35-134, is amended by deleting subsection (a) and substituting:

(a)

(1) Except as provided in subdivision (a)(2), it is unlawful for any person to knowingly employ as a security guard/officer any individual who:

(A) Is employed by a proprietary security organization; and

(B) Does not hold a valid registration card of the appropriate type as provided in § 62-35-119(c).

(2) Subdivision (a)(1) does not apply where a person utilizes a contract security company and the individual who acts as a security guard/officer on behalf of the company does not hold a valid registration card of the appropriate type.

(3) A violation of subdivision (a)(1) is a Class A misdemeanor, punishable by fine only.

(4) The alcoholic beverage commission or a beer board shall suspend a license or permit for on-premises consumption, as applicable and in accordance with title 57, of a person for a violation of subdivision (a)(1) for a period of one (1) month per violation. However, this subdivision (a)(1) does not limit the alcoholic



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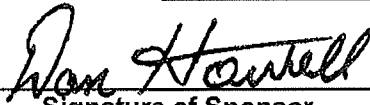
beverage commission's or a beer board's ability to seek to revoke or summarily suspend the license or permit.

SECTION 3. Tennessee Code Annotated, Section 62-35-103(a), is amended by adding the following as a new subdivision:

(16) An employee of a restaurant or establishment providing hospitality services, as defined in § 68-120-101(i), whose primary responsibilities do not involve the provision of security guard and patrol services;

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 1444**

**House Bill No. 655\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-6-102(4)(A)(i), is amended by deleting the language "total cost is twenty-five thousand dollars (\$25,000) or more" and substituting "total cost is fifty thousand dollars (\$50,000) or more".

SECTION 2. Tennessee Code Annotated, Section 62-6-102(4)(A)(ii), is amended by deleting the language "twenty-five thousand dollars (\$25,000)" and substituting "fifty thousand dollars (\$50,000)".

SECTION 3. Tennessee Code Annotated, Section 62-6-102(4)(A)(iii), is amended by deleting the language "twenty-five thousand dollars (\$25,000)" and substituting "fifty thousand dollars (\$50,000)".

SECTION 4. Tennessee Code Annotated, Section 62-6-102(6), is amended by deleting the language "total cost of less than twenty-five thousand dollars (\$25,000)" and substituting "total cost of less than fifty thousand dollars (\$50,000)".

SECTION 5. Tennessee Code Annotated, Section 62-6-402(5), is amended by deleting the language "total cost of less than twenty-five thousand dollars (\$25,000)" and substituting "total cost of less than fifty thousand dollars (\$50,000)".

SECTION 6. Tennessee Code Annotated, Section 62-6-131, is amended by deleting subsection (a) and substituting:

(a)

(1) A person is not required to provide a financial statement or a letter of reference to obtain a license as a limited licensed electrician.



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(2) The board shall set, by rule, the required bond that a person seeking a license as a limited licensed electrician must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for electrical work applicable to licensure as a limited licensed electrician pursuant to § 62-6-102. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. Tennessee Code Annotated, Section 62-6-415, is amended by deleting the section and substituting:

(a) A person is not required to provide a financial statement in order to obtain a license as a limited licensed plumber.

(b) The board shall set, by rule, the required bond that a person seeking a license as a limited licensed plumber must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for plumbing work applicable to licensure as a limited licensed plumber pursuant to § 62-6-402. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. Tennessee Code Annotated, Section 62-6-506(h), is amended by deleting "in the amount of ten thousand dollars (\$10,000)" and substituting "in the amount required by subsection (i),".

SECTION 9. Tennessee Code Annotated, Section 62-6-506, is amended by adding the following as a new subsection:

(i) The board shall set, by rule, the required bond that a person seeking a home improvement contractor's license must file to obtain the license; provided, that the board shall require a bond of at least forty percent (40%) of the maximum total cost for activities applicable to licensure as a contractor pursuant to § 62-6-102. The rules must

be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 10. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Don Howell*  
Signature of Sponsor

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**AMEND Senate Bill No. 1444**

**House Bill No. 655\***

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

SECTION 1. Tennessee Code Annotated, Section 62-6-102(4), is amended by adding the following new subdivision:

(G) "Contractor" does not include a home improvement contractor licensed pursuant to part 5 of this chapter if the total cost of the construction project is not more than fifty thousand dollars (\$50,000);

SECTION 2. Tennessee Code Annotated, Section 62-6-506(h), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "twenty thousand dollars (\$20,000)".

SECTION 3. Tennessee Code Annotated, Section 62-6-506(h), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

(2) The increased surety bond or irrevocable letter of credit amount established in subdivision (h)(1) applies to an application for a home improvement contractor license or renewal of a license on or after July 1, 2023.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



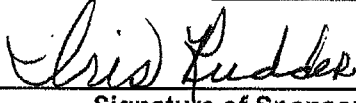
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**AMEND Senate Bill No. 1102**

**House Bill No. 919\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-82-307(a)(2), is amended by adding the following as a new subdivision:

(D) In any county having a population of not less than forty-two thousand seven hundred (42,700) nor more than forty-two thousand eight hundred (42,800), and in any county having a population of not less than twenty-eight thousand eight hundred (28,800) nor more than twenty-eight thousand nine hundred (28,900), according to the 2020 federal census or any subsequent federal census, this subdivision (a)(2) does not prohibit a commissioner from serving for more than two (2) consecutive terms.

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



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**AMEND Senate Bill No. 1424**

**House Bill No. 1067\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-34-115(i), is amended by adding the following as a new subdivision:

(7)

(A) A municipal utility system that operates a program authorized by subdivision (i)(1) shall create an annual report that provides an itemized list of the bona fide charitable purposes for which the moneys were used, including the name of each charitable organization to which moneys were sent and the amount of moneys sent to each charitable organization. The municipal utility system shall, no later than January 31 of each year:

(i) Submit the report to the comptroller of the treasury; and

(ii) Send the report to each customer of the municipal utility system.

(B) The comptroller of the treasury shall publish the report required by subdivision (i)(7)(A) on its website.

SECTION 2. Tennessee Code Annotated, Section 7-52-103(e), is amended by adding the following as new subdivisions:

(6)

(A) A municipal electric plant that operates a program authorized by subdivision (e)(1) shall create an annual report that provides an itemized list of the bona fide charitable purposes for which the moneys were used, including the



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name of each charitable organization to which moneys were sent and the amount of moneys sent to each charitable organization. The municipal electric plant shall, no later than January 31 of each year:

- (i) Submit the report to the comptroller of the treasury; and
- (ii) Send the report to each customer of the municipal electric plant.

(B) The comptroller of the treasury shall publish the report required by subdivision (e)(6)(A) on its website.

SECTION 3. Tennessee Code Annotated, Section 65-25-105(d), is amended by adding the following as a new subdivision:

(7)

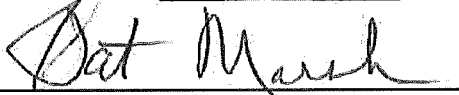
(A) A cooperative that operates a program authorized by subdivision (d)(1) shall create an annual report that provides an itemized list of the bona fide charitable purposes for which the moneys were used, including the name of each charitable organization to which moneys were sent and the amount of moneys sent to each charitable organization. The cooperative shall, no later than January 31 of each year:

- (i) Submit the report to the comptroller of the treasury; and
- (ii) Send the report to each customer of the cooperative.

(B) The comptroller of the treasury shall publish the report required by subdivision (d)(7)(A) on its website.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_



Signature of Sponsor

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**AMEND Senate Bill No. 952**

**House Bill No. 802\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 65-31-102, is amended by adding the following as new subdivisions:

( ) "Electronic white lining" means the application of a visual indicator to a digital or virtual map marking the boundaries of the area of proposed excavation or the area of ongoing excavation;

( ) "Hand dig" or "hand digging":

(A) Means any movement, placement, or removal of earth, rock, or other materials in or on the ground by use of non-mechanized tools or equipment, including, but not limited to, shovels, picks, post hole diggers, vacuum excavation, or soft digging; and

(B) Does not include the following:

(i) A property owner utilizing non-mechanized tools or equipment on their own property; or

(ii) Use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 2. Tennessee Code Annotated, Section 65-31-102(10), is amended by deleting subdivision (A) and substituting:



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(A) Means an operation for the purpose of the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment, discharge of explosives, or by hand digging, and includes augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching, or tunneling; and

SECTION 3. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting the last sentence and substituting:

The person responsible for the excavation or demolition shall designate the location of the proposed area of excavation or demolition by marking the area, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with "safety white" color-coded stakes, white paint, or by electronic white lining, unless:

SECTION 4. Tennessee Code Annotated, Section 65-31-106, is amended by adding the following as a new subsection:

(e) The notice requirements of this section do not apply to:

(1) A property owner utilizing non-mechanized tools or equipment on their own property; or

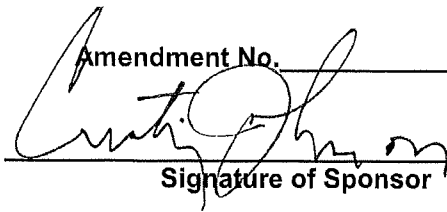
(2) Use of non-mechanized tools or equipment by or on behalf of a member operator to a depth not greater than twelve (12) inches for locating, repairing, connecting, protecting, or routine maintenance of the member operator's underground facilities.

SECTION 5. Tennessee Code Annotated, Section 65-31-107, is amended by adding the following as a new subsection:

(f) The one-call service may collect data concerning notice issues related to excavation projects encompassing more than two thousand feet (2,000') within a contiguous geographical area, or that will take more than ninety (90) days to complete. The one-call service may utilize such data to recommend alternatives to the board that

would alleviate the number of repeated additional notices required on such excavation projects by § 65-31-106.

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

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 782**

**House Bill No. 798\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 65-31-114(f)(2), is amended by deleting the subdivision and substituting:

(2) The executive committee is composed of five (5) members of the board as follows:

- (A) One (1) member from subdivision (c)(10), (c)(11), or (c)(13);
- (B) One (1) member from a local government;
- (C) One (1) member from a utility; and
- (D) Two (2) members from the remaining members of the board.

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



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**AMEND Senate Bill No. 632\***

**House Bill No. 1063**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following as a new part:

**7-51-2401.**

As used in this part:

(1) "Public entity" means a county; municipality; incorporated city or town; metropolitan government, as defined in § 7-1-101; or a utility district created pursuant to chapter 82 of this title;

(2) "Real property" means real property upon which there is an easement or other encumbrance agreed to by the owner of the real property to allow for the installation of sewer or wastewater lines on the property for a wastewater system; and

(3) "Wastewater system" means a wastewater or sewerage system owned by a public entity.

**7-51-2402.**

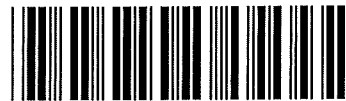
(a)

(1) Except as provided in subdivision (a)(2) or subsection (b), the public entity that owns a wastewater system shall allow an owner of real property who applies for connection to the wastewater system to connect the real property to the system.

(2) The requirement of subdivision (a)(1) does not apply if:



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(A) The contract or agreement entered into between the owner of the real property and the public entity that owns the wastewater system to establish the easement or other encumbrance for the sewer or wastewater line specifically authorizes the public entity to deny a connection; or

(B) Subject to the requirement of subsection (b), the public entity shows that the wastewater system does not have the capacity for the real property to be connected to it.

(b)

(1) The public entity has the burden to show that the wastewater system does not have the capacity to accept a connection sought pursuant to subdivision (a)(1), and may appeal to the utility management review board, created under § 7-82-701, or any successor board, to prohibit the real property from being connected to the system due to the system's lack of capacity.

(2) If the public entity chooses to appeal the approval of a connection pursuant to subdivision (b)(1), then the public entity shall allow the real property to be connected to the wastewater system until the appeal is completed.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 221, Part 1, is amended by adding the following as a new section:

**68-221-110.**

(a) As used in this section:

(1) "Public entity" means a county; municipality; incorporated city or town; metropolitan government, as defined in § 7-1-101; or other local or state governmental entity;

(2) "Real property" means real property upon which there is an easement or other encumbrance agreed to by the owner of the real property to allow for the



installation of sewer or wastewater lines on the property for a wastewater system;  
and

(3) "Wastewater system" means a wastewater or sewerage system  
owned by a public entity.

(b)

(1) Except as provided in subdivision (b)(2) or subsection (c), the public  
entity that owns a wastewater system shall allow an owner of real property who  
applies for connection to the wastewater system to connect the real property to  
the system.

(2) The requirement of subdivision (b)(1) does not apply if:

(A) The contract or agreement entered into between the owner of  
the real property and the public entity that owns the wastewater system to  
establish the easement or other encumbrance for the sewer or  
wastewater line specifically authorizes the public entity to deny a  
connection; or

(B) Subject to the requirement of subsection (c), the public entity  
shows that the wastewater system does not have the capacity for the real  
property to be connected to it.

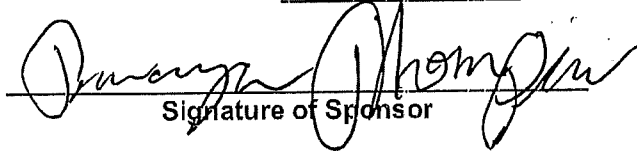
(c)

(1) The public entity has the burden to show that the wastewater system  
does not have the capacity to accept a connection sought pursuant to subdivision  
(a)(1), and may appeal to the department to prohibit the real property from being  
connected to the system due to the system's lack of capacity.

(2) If the public entity chooses to appeal the approval of a connection  
pursuant to subdivision (c)(1), then the public entity shall allow the real property  
to be connected to the wastewater system until the appeal is completed.

SECTION 3. This act takes 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. 1276**

**House Bill No. 1305\***

by deleting subsection (d) in SECTION 2 and substituting:

(d)

(1) If the information required by subsection (a) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (d)(1), then the tenant may bring a cause of action to seek payment of the fine described in subdivision (c)(2). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (a), then the court shall award the tenant:

(A) The fine, as described in subdivision (c)(2); and

(B) Reasonable costs and attorneys' fees.

**AND FURTHER AMEND** by deleting subsection (e) in SECTION 3 and substituting:

(e)

(1) If the information required by subsection (b) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (e)(1), then the tenant may bring a cause of action to seek payment of the fine described in subdivision (d)(2).



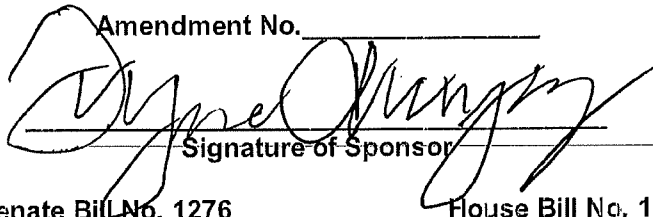
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If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (b), then the court shall award the tenant:

- (A) The fine, as described in subdivision (d)(2); and
- (B) Reasonable costs and attorneys' fees.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

|                   |
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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1276**

**House Bill No. 1305\***

by deleting the amendatory language of SECTION 2 and substituting:

(c) A landlord or person who fails to comply with subsection (a) becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands.

(d)

(1) If the information required by subsection (a) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (d)(1), then the tenant may bring a cause of action to require the provision of the information required by subsection (a). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (a), then the court shall order that the information required by subsection (a) be provided and award the tenant reasonable costs and attorneys' fees.

**AND FURTHER AMEND** by deleting subsections (d) and (e) in SECTION 3 and substituting:

(d) A landlord or person who fails to comply with subsection (b) becomes an agent of each person who is a landlord for the purpose of accepting service of process and receiving and receipting for notices and demands.

(e)



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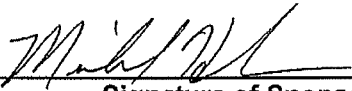
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(1) If the information required by subsection (b) is not provided in the lease agreement or other writing, then the tenant may provide written notice requesting the information.

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(2) If the information is not provided to the tenant within ten (10) days of the tenant submitting a written request in accordance with subdivision (e)(1), then the tenant may bring a cause of action to require the provision of the information required by subsection (b). If a court finds that a landlord, or an agent of the landlord, failed to comply with subsection (b), then the court shall order that the information required by subsection (b) be provided and award the tenant reasonable costs and attorneys' fees.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1296**

**House Bill No. 52\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 62-18-124, is amended by adding the following as new subsections:

( ) It is a Class C misdemeanor to inhibit a professional land surveyor, the agent of the professional land surveyor, or an employee or other personnel under the professional land surveyor's supervision from accessing the lands of others under the right granted by subsection (a).

( ) Prior to conducting a survey, a professional land surveyor shall make reasonable efforts to notify all adjoining landowners of the land to be surveyed that the boundary is being surveyed; provided, that this requirement does not apply for adjoining land that is a platted subdivision or for which there are court ordered boundaries.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it, and applies to conduct 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. 1201**

**House Bill No. 1276\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-34-104(c), is amended by deleting "three hundred dollars (\$300)" and substituting "five hundred dollars (\$500)".

SECTION 2. Tennessee Code Annotated, Section 66-34-204, is amended by deleting the section and substituting:

(a) A party shall, after an event described in subdivisions (a)(1)-(3) and pursuant to the terms of the written contract, pay to the prime contractor all retained funds the party may have withheld pursuant to the written contract, except any sum that the party may reasonably withhold in accordance with the written contract between the party and the prime contractor; provided, however, the retainage must be paid within ninety (90) days after the date of the occurrence of an event described in subdivisions (a)(1)-(3). The party shall pay the prime contractor within the timeframes described in this subsection (a) when the party:

(1) Has received a use or occupancy permit for an improvement from a governmental agency lawfully issuing the permit;

(2) Has received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement; or

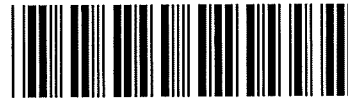
(3) Begins to use or could have begun to use the improvement.

(b) If the party withholding the retained funds fails to pay or otherwise release the retainage as provided in subsection (a), then the party shall pay the owner of the



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retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released.

Damages accrue from the first day after the ninetieth day of the first occurrence of an event described in subdivisions (a)(1)-(3).

(c) In addition to the damages set forth in subsection (b), a prime contractor or remote contractor that fails to pay or otherwise release retained funds as required by § 66-34-103(b) shall pay the owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released. Damages accrue from the first day after the tenth day the prime contractor or remote contractor received the retainage from the owner or higher-tier contractor.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 34, is amended by adding the following as a new section:

**66-34-206.**

(a) Notwithstanding this chapter to the contrary, a remote contractor is entitled to an early release of the retainage belonging to the remote contractor upon the remote contractor establishing that the improvement or work furnished under the written agreement to which the remote contractor is a party is substantially complete. As used in this section, "substantially complete" means the following circumstances:

(1) The remote contractor obtained a permit from a building codes department or other authority having jurisdiction over the remote contractor's work and received an approval from the department or authority allowing the use of the remote contractor's work for its intended purpose;

(2) The use of, or ability to use, the remote contractor's work; or

(3) Ten (10) days after the date the party withholding retainage receives a certificate of substantial completion substantially similar to the form in subsection (c), signed by the remote contractor certifying that its work is



substantially complete and seeking release or payment of the retainage belonging to the remote contractor. However, a party withholding retainage is not required to release or pay retainage under this subdivision (a)(3) if it provides a written response setting forth adequate legal reasons for its refusal to release retainage, including, but not limited to, the failure of the remote contractor to substantially complete its work within ten (10) days of its receipt of the remote contractor certificate of substantial completion.

(b) Upon substantial completion of the remote contractor's work, a remote contractor may issue a written request to the party withholding retainage to release the retainage belonging to the remote contractor. A party that receives a request pursuant to this subsection (b) and that is withholding retainage shall release the retainage within ten (10) days of the party's receipt of the request.

(c) A remote contractor may certify the substantial completion of the remote contractor's work by sending a certificate of substantial completion to the party withholding retainage. The certificate of substantial completion must be in substantially the following form:

DATE: [date]

TO: [Owner or other party withholding retainage]

[Prime contractor and any other contractor with whom remote contractor may contract]

FROM: [Remote contractor]

[Remote contractor] certifies as of this the [day] of [month], [year], that [remote contractor] entered into a written agreement with [prime or remote contractor] under which [remote contractor] furnished the following labor and materials: \_\_\_\_\_.

[Remote contractor] furnished the labor and materials in furtherance of improvements to [identify improved property]. [Remote contractor] first furnished labor and materials [day] of [month], [year], and last furnished materials on [day]

of [month], [year]. As of the date of this certificate, the work required of [remote contractor] under its subcontract is substantially complete to the best of [remote contractor's] knowledge, information, and belief and can be utilized for its intended use. [Remote contractor] requests its retainage be released within ten (10) days of receipt of this certificate.

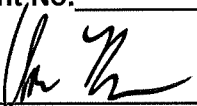
[signed, Remote contractor]

(d) A party that fails to release the retainage for which a remote contractor provides certification pursuant to this section is subject to the damages provided in § 66-34-204.

(e) The party withholding retainage may assert as a defense in an action for payment of retainage or the damages provided by this section that the remote contractor's work was not substantially complete.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after such date.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1201**

**House Bill No. 1276\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-34-103, is amended by deleting subsection (d) and substituting:

(d) If an owner or prime contractor withholds retainage that is for the use and benefit of the prime contractor or its remote contractors, then neither the prime contractor nor any of its remote contractors are required to deposit additional retained funds into an escrow account.

SECTION 2. Tennessee Code Annotated, Section 66-34-104(c), is amended by deleting "three hundred dollars (\$300)" and substituting "five hundred dollars (\$500)".

SECTION 3. Tennessee Code Annotated, Section 66-34-204, is amended by deleting the section and substituting:

(a) A party shall, after an event described in subdivisions (a)(1)-(3) and pursuant to the terms of the written contract, release and pay to the prime contractor all funds the party may have withheld as retainage; provided, however, the retainage must be paid within ninety (90) days after the date of the occurrence of an event described in subdivisions (a)(1)-(3). The party shall pay the prime contractor within the timeframes described in this subsection (a) when the party:

(1) Has received a use or occupancy permit for an improvement from a governmental agency lawfully issuing the permit;



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(2) Has received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement; or

(3) Begins to use or could have begun to use the improvement.

(b) If the party withholding the retained funds fails to pay or otherwise release the retainage as provided in subsection (a), then the party shall pay each owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released. Damages accrue from the first day after the ninetieth day of the first occurrence of an event described in subdivisions (a)(1)-(3).

(c) In addition to the damages set forth in subsection (b), a prime contractor or remote contractor that fails to pay or otherwise release retained funds as required by § 66-34-103(b) shall pay the owner of the retained funds an additional five hundred dollars (\$500) per day as damages, not as a penalty, for each day that the retained funds are not paid or otherwise released. Damages accrue from the first day after the tenth day the prime contractor or remote contractor received the retainage from the owner or higher-tier contractor.

SECTION 4. Tennessee Code Annotated, Title 66, Chapter 34, is amended by adding the following as a new section:

**66-34-206.**

(a) Notwithstanding this chapter to the contrary, a remote contractor is entitled to an early release of the retainage belonging to the remote contractor upon the remote contractor establishing that the improvement or work furnished under the written agreement to which the remote contractor is a party is substantially complete. As used in this section, "substantially complete" means:

(1) The remote contractor obtained a permit from a building codes department or other authority having jurisdiction over the remote contractor's

work and received an approval from the department or authority allowing the use of the remote contractor's work for its intended purpose;

(2) The use of, or ability to use, the remote contractor's work;

(3) Ten (10) days after the date the party withholding retainage receives a certificate of substantial completion substantially similar to the form in subsection (c), signed by the remote contractor certifying that its work is substantially complete and seeking release or payment of the retainage belonging to the remote contractor; provided, however, that a party withholding retainage is not required to release or pay retainage under this subdivision (a)(3) if it provides a written response setting forth adequate legal reasons for its refusal to release retainage, including, but not limited to, the failure of the remote contractor to substantially complete its work within ten (10) days of its receipt of the remote contractor certificate of substantial completion; or

(4) The remote contractor received a certificate of substantial completion from an architect, engineer, or other party charged with supervision, observation, or management of the construction of an improvement.

(b) Upon substantial completion of the remote contractor's work, a remote contractor may issue a written request to the party withholding retainage to release the retainage belonging to the remote contractor; provided, that the remote contractor furnishes documentary evidence that the improvement or the remote contractor's work is substantially complete, as that term is described in subdivisions (a)(1)-(4). A party that receives a request pursuant to this subsection (b) and that is withholding retainage must release the retainage within ten (10) days of the party's receipt of the request. Any retainage released pursuant to this section shall still be included in calculating the maximum five percent (5%) retainage permitted by § 66-34-103(a).

(c) A remote contractor may certify the substantial completion of the remote contractor's work by sending a certificate of substantial completion to the party

withholding retainage. The certificate of substantial completion must be in substantially the following form:

DATE: [date]

TO: [Owner or other party withholding retainage]

[Prime contractor and any other contractor with whom remote contractor may contract]

FROM: [Remote contractor]

[Remote contractor] certifies as of this the [day] of [month], [year], that [remote contractor] entered into a written agreement with [prime or remote contractor] under which [remote contractor] furnished the following labor and materials:

[Remote contractor] furnished the labor and materials in furtherance of improvements to [identify improved property]. [Remote contractor] first furnished labor and materials [day] of [month], [year], and last furnished materials on [day] of [month], [year]. As of the date of this certificate, the work required of [remote contractor] under its subcontract is substantially complete to the best of [remote contractor's] knowledge, information, and belief and can be utilized for its intended use. [Remote contractor] requests its retainage be released within ten (10) days of receipt of this certificate.

[signed, remote contractor]

(d) A party that fails to release the retainage for which a remote contractor provides certification pursuant to this section is subject to the damages provided in § 66-34-204.

(e) The party withholding retainage may assert as a defense in an action for payment of retainage or the damages provided by this section that the remote contractor's work was not substantially complete.

SECTION 5. This act takes effect January 1, 2024, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after the effective date of this act.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1338**

**House Bill No. 1211\***

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

SECTION 1. Tennessee Code Annotated, Section 4-3-708, is amended by deleting the section and substituting instead:

(a) For purposes of this section:

(1) "Broadband service" means broadband internet access service;

(2) "Department" means the department of economic and community development;

(3) "Fund" means the Tennessee broadband accessibility fund; and

(4) "Unserved location" means a location without broadband service or without broadband service offering minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).

(b) The commissioner of economic and community development is authorized to establish and administer the broadband accessibility grant program and all other broadband grant programs in which state or federal funds are designated for the purpose of promoting the deployment and adoption of broadband internet access services.

(c) The broadband accessibility grant program is funded through the Tennessee broadband accessibility fund established as a separate account in the general fund. Subject to the availability of revenue at the end of each fiscal year, the commissioner of finance and administration is authorized to carry forward any amounts remaining in the



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fund or transfer any part of the fund to the revenue fluctuation reserve. Moneys in the fund must be invested by the state treasurer pursuant to title 9, chapter 4, part 6, for the sole benefit of the fund. The fund is subject to appropriations by the general assembly and gifts, grants, and other donations received by the department of economic and community development for broadband grant programs and funds.

(d)

(1) The department shall administer all broadband grant programs pursuant to this section and any policies developed by the department to implement this section that are not in conflict with this section. However, if any requirement of this section conflicts with a provision of federal law, then the requirement may be waived by the department if:

(A) The federal government would deny federal broadband grant funds to the state if the conflicting requirement of this section was enforced, as evidenced by direct communication from the federal government; and

(B) The waiver of any requirement of this section is made known to broadband service providers.

(2) Policies developed by the department pursuant to this subsection (d) must provide for the awarding of grants to political subdivisions or entities of political subdivisions, corporations, limited liability companies, partnerships, or other business entities that provide last mile broadband services; cooperatives organized under the Rural Electric and Community Services Cooperative Act, compiled in title 65, chapter 25, or the Telephone Cooperative Act, compiled in title 65, chapter 29; and any other entity authorized by state law to provide last mile broadband services.

(3) Notwithstanding any law to the contrary, this section, and any policies developed by the department to administer the broadband accessibility grant

program pursuant to this section, apply to the broadband accessibility grant program and any other broadband program in which state or federal funds are used to promote the deployment or expansion of broadband services in this state.

(e) Grants must be awarded to promote the deployment and adoption of broadband services with minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps) to unserved locations. Grants may be awarded pursuant to additional criteria developed by the department that are not in conflict with this section, with priority given to projects that:

(1) Propose to acquire and install infrastructure that supports broadband services scalable to download and upload speeds higher than the minimum speeds required pursuant to this subsection (e); however, this priority does not take precedence over serving a greater number of locations that are unserved locations for the lowest grant amount per location if the department also gives due consideration to high-cost or difficult-to-serve areas as part of its review of the number of locations to be served;

(2) Serve locations with demonstrated community support, including, but not limited to, documented support from the political subdivision or the political subdivision receiving designation as a broadband-ready community pursuant to § 4-3-709; and

(3) Have the ability to commit to providing at least twenty percent (20%) of the cost to deploy the broadband, unless the location to be served is a high-cost area, as determined by a federal grant program.

(f)

(1) When grants are requested to provide broadband service to the same location, the department shall establish a preference for approving grant applications with a greater capital contribution notwithstanding subdivision (e)(3).

(2) Notwithstanding subsection (e), the department may award a portion of grant funds to local libraries in this state for the purpose of assisting the libraries in offering digital literacy training pursuant to state library and archives guidelines.

(g) Moneys in the fund may be used by the department for the purpose of administering broadband grant programs. However, the expenses incurred to administer the program must not exceed five percent (5%) of the total amount appropriated for the programs in any fiscal year.

(h) For any year in which grants are distributed under a broadband grant program, the department shall produce a report on the status of grants under those programs, including progress toward increased access to, and adoption of, broadband services. The report must be provided to the governor, speaker of the house of representatives, and speaker of the senate and published on the department's website.

(i) The department shall not award a grant under this section that:

(1) Proposes to serve a location that is already being served by at least one (1) provider offering minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps); or

(2) Would serve a location that has received funds, or is designated to receive funds, through a state or federally funded grant program designed specifically to encourage broadband deployment to the location with the minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).

(j) The department shall maintain a state broadband accessibility map on its website that identifies unserved locations. The broadband accessibility map must be updated at least biannually.

(k) The department shall allow broadband service providers a reasonable opportunity to comment on a grant application by providing data denoting the availability of broadband prior to the award of any grant pursuant to this section.

(l) To protect the public interest and to ensure that all Tennesseans are ultimately served with broadband service, all recipients of funds pursuant to this section shall complete the obligations of the award of funds within the time period outlined within the agreement to award the funds unless there are circumstances that cause a delay in completing an obligation that is not within the recipient's control. If a recipient does not complete an obligation pursuant to this subsection (l), then the recipient is liable for repayment of the entire grant in full, plus twenty percent (20%) of the grant amount.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to grants announced on or after the effective date of this act.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 1338**

**House Bill No. 1211\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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

SECTION 1. Tennessee Code Annotated, Section 4-3-708, is amended by deleting the section and substituting instead:

(a) For purposes of this section:

(1) "Broadband service" means broadband internet access service;

(2) "Department" means the department of economic and community development;

(3) "Fund" means the Tennessee broadband accessibility fund; and

(4) "Unserved location" means a location without any broadband service or with broadband service offering only minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).

(b) The commissioner of economic and community development is authorized to establish and administer the broadband accessibility grant program and all other broadband grant programs in which state or federal funds are designated for the purpose of promoting the deployment and adoption of broadband internet access services.

(c) The broadband accessibility grant program is funded through the Tennessee broadband accessibility fund established as a separate account in the general fund.

Subject to the availability of revenue at the end of each fiscal year, the commissioner of finance and administration is authorized to carry forward any amounts remaining in the



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fund or transfer any part of the fund to the revenue fluctuation reserve. Moneys in the fund must be invested by the state treasurer pursuant to title 9, chapter 4, part 6 for the sole benefit of the fund. The fund is subject to appropriations by the general assembly and gifts, grants, and other donations received by the department of economic and community development for broadband grant programs and funds.

(d)

(1) The department shall administer all broadband grant programs pursuant to this section and any policies developed by the department to implement this section that are not in conflict with this section. However, if any requirement of this section conflicts with a provision of federal law, then the requirement may be waived by the department if:

(A) The federal government would deny federal broadband grant funds to the state if the conflicting requirement of this section was enforced, as evidenced by direct communication from the federal government; and

(B) The waiver of any requirement of this section is made known to broadband service providers.

(2) Policies developed by the department pursuant to this subsection (d) must provide for the awarding of grants to political subdivisions or entities of political subdivisions, corporations, limited liability companies, partnerships, or other business entities that provide last mile broadband services; cooperatives organized under the Rural Electric and Community Services Cooperative Act, compiled in title 65, chapter 25, or the Telephone Cooperative Act, compiled in title 65, chapter 29; and any other entity authorized by state law to provide last mile broadband services.

(3) Notwithstanding any law to the contrary, this section, and any policies developed by the department to administer the broadband accessibility grant

program pursuant to this section, apply to the broadband accessibility grant program and any other broadband program in which state or federal funds are used to promote the deployment or expansion of broadband services in this state.

(e) Grants must be awarded to promote the deployment and adoption of broadband services with minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps) to unserved locations. Grants may be awarded pursuant to additional criteria developed by the department that are not in conflict with this section, with priority given to projects that:

(1) Propose to acquire and install infrastructure that supports broadband services scalable to download and upload speeds higher than the minimum speeds required pursuant to this subsection (e); however, this priority does not take precedence over serving a greater number of locations that are unserved locations for the lowest grant amount per location if the department also gives due consideration to high cost or difficult to serve areas as part of its review of the number of locations to be served;

(2) Serve locations with demonstrated community support, including, but not limited to, documented support from the political subdivision or the political subdivision receiving designation as a broadband-ready community pursuant to § 4-3-709; and

(3) Have the ability to commit to providing at least twenty percent (20%) of the cost to deploy the broadband, unless the location to be served is a high-cost area, as determined by a federal grant program.

(f)

(1) When grants are requested to provide broadband service to the same location, the department shall establish a preference for approving grant applications with a greater capital contribution notwithstanding subdivision (e)(3).

(2) Notwithstanding subsection (e), the department may award a portion of grant funds to local libraries in this state for the purpose of assisting the libraries in offering digital literacy training pursuant to state library and archives guidelines.

(g) Moneys in the fund may be used by the department for the purpose of administering broadband grant programs. However, the expenses incurred to administer the program must not exceed five percent (5%) of the total amount appropriated for the programs in any fiscal year.

(h) For any year in which grants are distributed under a broadband grant program, the department shall produce a report on the status of grants under those programs, including progress toward increased access to and adoption of broadband services. The report must be provided to the governor, speaker of the house of representatives, and speaker of the senate and published on the department's website.

(i) The department shall not award a grant under this section to any project that:

(1) Proposes to serve a location that is already being served by at least one (1) provider offering minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps); or

(2) Would serve a location that has received funds, or is designated to receive funds, through another state or federally funded grant program designed specifically to encourage broadband deployment to the location with the minimum download speeds of one hundred megabits per second (100 Mbps) and minimum upload speeds of twenty megabits per second (20 Mbps).



(j) The department shall maintain a list of eligible locations on its website that would qualify for grants pursuant to this section. The list of eligible locations must be updated at least biannually.

(k) The department shall allow broadband service providers a reasonable opportunity to comment on a grant application by providing data denoting the availability of broadband prior to the award of any grant pursuant to this section.

(l) To protect the public interest and to ensure that all Tennesseans are ultimately served with broadband service, all recipients of funds pursuant to this section shall complete the obligations of the award of funds within the time period outlined within the agreement to award the funds unless there are circumstances that cause a delay in completing an obligation that is not within the recipient's control. If a recipient does not complete an obligation pursuant to this subsection (l), then the recipient is liable for repayment of the entire grant in full, plus twenty percent (20%) of the grant amount.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to grants awarded on or after the effective date of this act.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 97\***

**House Bill No. 396**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Garrison-Jordan Survivor Benefits Act."

SECTION 2. Tennessee Code Annotated, Section 50-6-210(e)(4), is amended by deleting the subdivision and substituting:

(4) **Remarriage of Surviving Spouse.** Upon the remarriage of a surviving spouse, if there is no child of the deceased employee, the periodic compensation benefits shall terminate and the surviving spouse is entitled to one (1) lump sum payment equal to one hundred (100) weeks based on twenty-five percent (25%) of the average weekly wages of the deceased employee, subject to the maximum total benefit; but if there is a child or children under eighteen (18) years of age, or over eighteen (18) years of age if physically or mentally incapacitated from earning, from the time of the remarriage, the child or children have status of orphan or orphans and draw compensation accordingly, except the compensation shall not exceed sixty-six and two-thirds percent (66 2/3%) of the average weekly wages of the deceased.

SECTION 3. Tennessee Code Annotated, Section 50-6-210(e), is amended by deleting "fifty percent (50%)" wherever it appears and substituting "sixty-six and two-thirds percent (66 2/3%)".

SECTION 4. Tennessee Code Annotated, Section 50-6-210(e)(11), is amended by deleting the last sentence and substituting:



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If the dependent is attending a recognized educational institution or completing secondary education or a program leading to an equivalent credential, or enrolled in a recognized institution that provides postsecondary or career or technical education, then benefits shall be paid until twenty-two (22) years of age;

SECTION 5. Tennessee Code Annotated, Section 50-6-210, is amended by adding the following as a new subsection:

(g)

(1) If a dependent, as established by order, judgment, or decree, is determined to be entitled to benefits under this chapter, then the employer or insurer may periodically require the dependent to provide information relevant to whether the dependent continues to qualify for benefits. After receipt of the request for information, the dependent shall provide the requested information relevant to dependency within fifteen (15) days of the date of the request.

(2)

(A) If the dependent fails to provide the requested information relevant to dependency, then the employer or insurer may suspend benefits. If benefits are suspended, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(B) If the dependent provides the requested information relevant to dependency within any period of suspension of benefits and the employer or insurer does not dispute the dependent's eligibility for benefits, then within fifteen (15) days of the receipt of such information, the employer or insurer shall restore periodic benefits and shall remit to the dependent any periodic benefits that were withheld during any period of suspension of benefits.

(3) If the dependent provides information indicating the dependent no longer qualifies for benefits under this chapter based on changes in the dependent's circumstances that have occurred since the time of the initial order, judgment, or decree, then the employer or insurer may terminate benefits. If benefits are terminated, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(4) If benefits are suspended as provided in subdivision (g)(2), or terminated as provided in subdivision (g)(3), then the dependent may file a petition for benefit determination.

(5) A person who provides false or misleading information in response to a request for information relevant to dependency commits a fraudulent insurance act as provided in § 56-47-103, which is punishable as theft under § 39-14-105.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

House Banking & Consumer Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 130\***

**House Bill No. 406**

by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

( ) A violation of SECTION 1;

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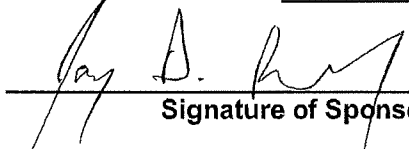


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 130\***

**House Bill No. 406**

by deleting subdivision (a)(1) in SECTION 1 and substituting the following:

(1) "Financing company":

(A) Means an entity that provides loans, loan extensions, or lines of credit to finance the purchase of a good or service; and

(B) Does not include a financial institution subject to 12 C.F.R. Part 1005;

and



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 130\***

**House Bill No. 406**

by adding the following as a new subsection after subsection (c) in SECTION 1:

(d) This section does not apply to a financing company doing business in this state that contacts consumers through digital means, including by mobile application, electronic mail, social media, or a company website.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 681\***

**House Bill No. 774**

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by deleting Section 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 7-51-1802, is amended by deleting subsection (f) and substituting instead the following:

(f)

(1) Except as otherwise provided by state or federal law, a local government shall not adopt or enforce an ordinance, regulation, resolution, policy, or another legal requirement that regulates or imposes a requirement upon an employer pertaining to hours worked, scheduling that an employer is required to provide employees, or employee output during work hours.

(2) A local government entity may set and regulate such hours, scheduling, and output for its own employees and for the provision of services, including, but not limited to, those regulated under the supplementary powers given to local governments in the Tennessee Constitution.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 863**

**House Bill No. 750\***

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by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-27-203, is amended by adding the following as a new subdivision:

( ) "Reserve study" means an analysis, prepared in conformity with the latest edition of the Reserve Study Standards published by the Community Associations Institute, or similar standards by another nationally recognized organization, by a reserve specialist who is credentialed through the Community Associations Institute or a similarly recognized organization, or a licensed engineer or architect, performed or updated within the last five (5) years, of the remaining useful life and the estimated cost to replace each separate system and component of the common elements, the purpose of which is to inform association members and the association's board of the amount that should be maintained from year to year in a fully funded repair and replacement reserve to minimize the need for special assessments;

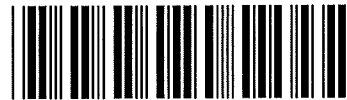
SECTION 2. Tennessee Code Annotated, Section 66-27-403, is amended by adding the following as a new subsection:

(g)

(1) If the board of directors oversees common elements with an aggregate replacement cost exceeding ten thousand dollars (\$10,000) and has had a reserve study conducted on or after January 1, 2020, then the board shall have an updated reserve study conducted within five (5) years after the date the reserve study was conducted, and at least every five (5) years thereafter, for



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purposes of assessing the condition of and planning for repair and maintenance of the common elements.

(2) If the board of directors oversees common elements with an aggregate replacement cost exceeding ten thousand dollars (\$10,000) and has not had a reserve study conducted on or after January 1, 2020, then the board shall require that a reserve study be conducted on or before January 1, 2025, and shall update the study every five (5) years for purposes of assessing the condition of and planning for repair and maintenance of the common elements.

(3) The board shall make a copy of the reserve study available to all common interest owners through electronic mail or by posting it on the community website.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 863**

**House Bill No. 750\***

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by adding the following as a new subdivision to subsection (g) in SECTION 2:

(4) This subsection (g) does not apply to a:

(1) Board of directors controlled by a declarant;

(2) Condominium titled to a single owner; or

(3) Husband and wife who own such condominium as a tenancy by the

entirety.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 975**

**House Bill No. 921\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-36-112(a), is amended by deleting "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 7-36-112, is amended by adding the following new subsections:

( ) In addition to the authorization set forth in subsection (a), the president may let other contracts with the approval of the supervisory board, or pursuant to the purchasing policy or other delegation of authority adopted by the board; provided, that purchasing exceeding in cost the amount specified in subsection (a) must, before a contract is let or work is done, be advertised by the president or the president's designee for bids in accordance with the purchasing policy of the authority.

( ) The authorization set forth in this section supplements the authorization provided to an energy authority or utility authority created by a private act of the general assembly that operates an electric, water, wastewater, gas, telecommunications, cable television, internet, or broadband facility, and is applicable to the extent provided by the board or other supervisory board of the utility authority.

SECTION 3. Tennessee Code Annotated, Section 7-52-117, is amended by deleting subsections (d) and (e) and substituting:

(d) The superintendent shall let all contracts, subject to the approval of the supervisory body, but may, without such approval, obligate the electric plant on purchase orders up to an amount to be fixed by the supervisory body, but not to exceed



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one hundred thousand dollars (\$100,000). The superintendent shall let all other contracts with the approval of the supervisory body or pursuant to a purchasing policy or other delegation of authority adopted by the supervisory body. Work or construction exceeding in cost the amount specified in this subsection (d) must, before a contract is let or work is done, be advertised by the superintendent for bids as required by applicable law; provided, that the supervisory body may reject any and all bids.

(e) The superintendent shall make and keep full and proper books and records, subject to the supervision and direction of the supervisory body.

(f) If the supervisory body has jurisdiction over other utility systems, and the superintendent of the plant serves in a similar role for such other utility systems, then this section applies to all purchases of services or property, whether real or personal, all leases and lease-purchases, all contracts, and the disposition of all property for the other utility systems. As used in this subsection (f), "other utility systems" means waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband systems.

(g)

(1) In addition to the powers provided to boards of public utilities operating pursuant to this section, the authorization set forth in this section supplements the authorization provided to a municipal electric system or other similar system that operates an electric, waterworks, sewerage works, gas, telecommunications, cable television, internet, or broadband facility pursuant to otherwise applicable law, and applies to the extent provided by the supervisory body for the system or, if there is no supervisory body, by the legislative body of the municipality.

(2) Subdivision (g)(1) does not supersede any authority, limitation, or requirement established by the legislative body of the municipality in accordance with the charter of the municipality.

(h) For the purposes of this section, "superintendent" includes a designee of the superintendent or another officer or person as may be authorized by the superintendent of the electric system.

SECTION 4. Tennessee Code Annotated, Title 12, Chapter 3, Part 12, is amended by adding the following as a new section:

Where any local or private act, charter, or general law requires that a local governmental unit purchase by competitive procurement method, the local governmental unit may, notwithstanding the local or private act, charter, or general law, purchase, without public advertisement or competitive soliciting, under contracts or price agreements entered into by the state building commission.

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

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

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**AMEND Senate Bill No. 845\***

**House Bill No. 947**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-246(a), is amended by deleting subdivision (52) and substituting:

(52) Tennessee board of utility regulation, created by § 7-82-701.

SECTION 2. Tennessee Code Annotated, Section 4-29-247(a), is amended by deleting subdivision (54).

SECTION 3. Tennessee Code Annotated, Section 7-34-115, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 4. Tennessee Code Annotated, Section 7-36-113, is amended by adding the following as new subsections:

(g)

(1) An authority, whether created pursuant to this chapter or another public or private act, shall not issue a bond, or a note other than a note issued in anticipation of the collection of revenues, as authorized by this chapter or the public or private act creating the authority, until the resolution authorizing the issuance of the bond or note is submitted to the comptroller of the treasury, or the comptroller of the treasury's designee, for review, together with a statement as of the beginning of the then current fiscal year, which must show:

(A) The authority's total outstanding bonds, notes, warrants, refunding bonds, and other forms of indebtedness;



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(B) The maturity dates of the bonds, notes, warrants, refunding bonds, other forms of indebtedness, interest rates, and special provisions for payment;

(C) The project to be funded by the bonds or notes; and

(D) The current operating financial statement of the authority and other pertinent financial information.

(2) The comptroller of the treasury, or the comptroller's designee, shall immediately acknowledge, in writing, receipt of the proposed bond or note issue statement and information.

(3)

(A) The comptroller of the treasury, or the comptroller's designee, shall, within fifteen (15) days from the date the proposed bond or note issue statement and information is received by the comptroller of the treasury, or the comptroller's designee, issue a report on the proposal to the authority. In addition, the report must:

(i) Be published on the authority's website during the week following the report's receipt; and

(ii) Be made a part of the bond transcript.

(B) The authority may take an action with reference to the proposed bond or note issue as it deems advisable after:

(i)

(a) Receipt of the report of the comptroller of the treasury, or the comptroller's designee; and

(b) Publication of the report made in accordance with subdivision (g)(3)(A); or



(ii) Expiration of fifteen (15) days from the date that the proposed bond or note issue was received by the comptroller of the treasury, or the comptroller's designee, whichever is earlier.

(h) A provision of this section related to the review or approval of a bond or note issued by the comptroller of the treasury, or the comptroller's designee, or another state agency, does not apply when the bond or other evidence of indebtedness of the authority is to be purchased, or the loan is to be made, by the farmers home administration or another direct lending department of the federal government.

(i)

(1) Prior to the beginning of the fiscal year, an authority shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the

beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 5. Tennessee Code Annotated, Section 7-51-2301, is amended by deleting the section and substituting:

As used in this part, "utility" means:

- (1) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;
- (2) A cooperative, as defined in § 65-25-102; or
- (3) A county-owned or municipal-owned utility that provides electric, natural gas, or propane services to the public.

SECTION 6. Tennessee Code Annotated, Section 7-51-2303, is amended by deleting subsection (b) and substituting:

(b) If a utility:

(1) As described in § 7-51-2301(1), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall refer the utility to the Tennessee board of utility regulation to order reasonable sanctions against the utility; or

(2) As described in § 7-51-2301(2) or (3), has not implemented or updated a cyber security plan within the timeframe required by § 7-51-2302, then the comptroller of the treasury, or the comptroller's designee, shall impose reasonable sanctions against the utility.

SECTION 7. Tennessee Code Annotated, Section 7-82-102, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 8. Tennessee Code Annotated, Section 7-82-112(a), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 9. Tennessee Code Annotated, Section 7-82-201(a), is amended by deleting "utility management review board" and substituting "Tennessee board of utility regulation".

SECTION 10. Tennessee Code Annotated, Section 7-82-202, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 11. Tennessee Code Annotated, Section 7-82-301(b), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 12. Tennessee Code Annotated, Section 7-82-302, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 13. Tennessee Code Annotated, Section 7-82-307(b)(3)(A)(i)(c), is amended by deleting "pursuant to § 7-82-709(b)" and substituting "pursuant to part 7 of this chapter".

SECTION 14. Tennessee Code Annotated, Section 7-82-307, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 15. Tennessee Code Annotated, Section 7-82-308, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 16. Tennessee Code Annotated, Section 7-82-308(a)(1), is amended by deleting "as defined in § 7-82-401(g)" and substituting "as defined in § 7-82-401(f)".

SECTION 17. Tennessee Code Annotated, Section 7-82-314, is amended by deleting the section.

SECTION 18. Tennessee Code Annotated, Section 7-82-401, is amended by deleting subsections (d) through (i) and substituting:

(d) A copy of such annual statement and audit shall be filed with the county mayor or mayors where publication is required in accordance with this section and § 7-82-608.

(e) Audits performed by the internal audit staffs of the utility districts must be conducted in accordance with the standards established by the comptroller of the treasury pursuant to § 4-3-304(9).

(f)

(1) Any utility district that is a financially distressed utility district is subject to the supervision and evaluation of the Tennessee board of utility regulation created pursuant to part 7 of this chapter.

(2) A government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the Tennessee board of utility regulation for the purpose of reporting negative change in net position annually, but must be referred to the board if the government joint venture is in a deficit or default position as described in subdivision (f)(3).

(3) For the purposes of this chapter, "financially distressed utility district" means a utility district, and its system or systems, that, as shown by the audited annual financial reports, has a deficit in total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, is in default on an indebtedness, or has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions. For purposes of this

section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

SECTION 19. Tennessee Code Annotated, Section 7-82-402, is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 20. Tennessee Code Annotated, Section 7-82-402(a)(1), is amended by deleting subdivision (A) and substituting:

(A) Within sixty (60) days of the fiscal year end, a customer of the district may file with the commissioners of the district a protest, giving reasons why, in the opinion of the customer, the utility's adopted rates are too high or too low. Within a period of fifteen (15) days after the end of this sixty-day period during which such protest may be filed, the commissioners shall notify each protestant of a hearing to be held by the commissioners on such protests as may have been filed within the sixty-day period. Upon the hearing date, which must be a date within a period of sixty (60) days after giving the notices to the protestants, the commissioners shall hear all protests during the same hearing. After hearing and examining statements, exhibits, and arguments of the protestants or their counsel, the commissioners shall make and spread upon the minutes of the commission their finding as to the reasonableness or unreasonableness of the published rates, and, at the same time, the commission may increase or decrease such rates upon a finding that they are too low or too high, as the case may be.

SECTION 21. Tennessee Code Annotated, Section 7-82-402(c), is amended by deleting subdivision (6) and substituting:

(6) Notify its customers at least once a year that decisions by a utility district board of commissioners on customer complaints may be reviewed by the Tennessee board of utility regulation in accordance with § 7-82-702(b), and of the method used to fill vacancies on the utility district's board of commissioners. The utility district shall provide the notice described in this subdivision (c)(6) by publishing it on the utility's website,

publishing it in a newspaper of general circulation in the county or counties in which the district is situated, or mailing it annually to the district's customers in a separate correspondence, an annual report, an annual newsletter, or other writing provided annually to the district's customers.

SECTION 22. Tennessee Code Annotated, Section 7-82-501, is amended by deleting subsection (e) and substituting:

(e)

(1) Prior to the beginning of the fiscal year, a utility district, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the utility district's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that a utility district has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the utility district shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's

designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the utility district to enter into emergency financial transactions.

SECTION 23. Tennessee Code Annotated, Title 7, Chapter 82, Part 7, is amended by deleting the part and substituting:

**7-82-701.**

(a) There is created in the office of the comptroller of the treasury a Tennessee board of utility regulation for the purpose of advising and directing utility systems in the area of utility management, and to determine and ensure the financial integrity of those utility systems. The board is charged with the responsibility of furthering the legislative objective of self-supporting water systems, wastewater facilities, and natural gas systems in this state and is deemed to be acting for the public welfare.

(b) As used in this part, "utility system" includes:

(1) The water, wastewater, or natural gas systems of a county, metropolitan government, or incorporated town or city;

(2) A treatment authority created pursuant to:

(A) The Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 6;

(B) The Regional Water and Wastewater Treatment Authority Act, compiled in title 68, chapter 221, part 13; or

(C) Another public or private act of the general assembly that operates a water, wastewater, or natural gas facility;

(3) The water, wastewater, and natural gas systems of an energy or utility authority created pursuant to the Municipal Energy Authority Act, compiled in title 7, chapter 36, or a private act of the general assembly; and

(4) Any utility district created under this chapter, or any other public or private act of the general assembly.

(c)

(1) The board is composed of eleven (11) members as follows:

(A) The comptroller of the treasury, or the comptroller's designee, who serves as chair;

(B) The commissioner of environment and conservation, or the commissioner's designee, who serves as vice chair;

(C) One (1) member, appointed by the governor, who represents the interests of utilities under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;

(D) One (1) member, appointed by the governor, who is an active municipal employee or elected official in a county that owns or operates a utility system, who represents the municipalities of this state. The governor shall consult with the Tennessee Municipal League to determine a qualified person to fill this appointment;

(E) One (1) member, appointed by the governor, who represents the interests of minority citizens of this state. The member must have experience in governmental finance and not otherwise be a state employee;

(F) One (1) member, appointed by the governor, who is an active employee or sits on the governing board of a municipal water utility under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine a qualified person to fill this appointment;



(G) Two (2) members, appointed by the governor, who are active employees or commissioners of a utility district under the jurisdiction of the Tennessee board of utility regulation. The governor shall consult with the Tennessee Association of Utility Districts to determine qualified persons to fill these appointments;

(H) One (1) member, appointed by the comptroller of the treasury;

(I) One (1) member, appointed by the speaker of the senate, who sits on the governing body, or is an active employee, of a utility system; and

(J) One (1) member, appointed by the speaker of the house, who sits on the governing body, or is an active employee, of a utility system.

(2) In addition to the requirements for members in subdivision (c)(1), at least one (1) member must sit on the governing body or be an active employee of a utility system that owns or operates a natural gas system.

(d)

(1) Members are appointed to four-year terms; provided, that the initial appointments are for terms, not to exceed four (4) years, as are necessary so that the terms of no more than three (3) members of the board end in any one (1) year.

(2) A board member continues to serve until a successor has been appointed.

(3) Appointments to succeed a board member who is unable to serve the board member's full term are for the remainder of that term.

(4) Board members are eligible for reappointment, but do not succeed themselves automatically.

(5) Appointments to the board for the remainder of an unexpired term and reappointments must be made in the same manner as under subsection (c).

(6) Each member of the board is entitled to receive reimbursement for the member's traveling and other necessary expenses actually incurred while engaged in the performance of any official duties when so authorized by the board, but such expenses must be made in accordance with the comprehensive state travel regulations duly promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(7) A majority of the board constitutes a quorum, and the concurrence of a majority of those present and voting on a matter is required for a determination of matters within the board's jurisdiction.

(8) A board member shall not participate in making a decision in a case involving a utility system in which the board member has a direct financial interest, including a contract of employment.

(9) The comptroller shall designate a staff person to serve as manager to the board. In that capacity, the designee shall report the proceedings of the board to the comptroller and perform such other duties as the board may require.

(e) The Tennessee board of utility regulation combines the former utility management review board and the water and wastewater financing board. Any references to either board in state law, rules, or policy, are considered to refer to the Tennessee board of utility regulation.

**7-82-702.**

(a) In order to further the legislative objective of self-supporting and well-managed utility systems, the board has the power and authority to:

- (1) Adopt, modify, repeal, promulgate, and enforce rules for:
  - (A) The conduct of the affairs of the board;
  - (B) Enforcement of the board's orders;
  - (C) Administration of the utility revitalization fund; and

(D) Training of the commissioners, aldermen, or other members of the governing body of a utility system;

(2) Issue subpoenas requiring the attendance of witnesses and production of such evidence as requested, administer oaths, and take such testimony as the board deems necessary in fulfilling its purpose. If a person or entity refuses to obey a subpoena issued by the board under this part, then the chancery court of Davidson County has jurisdiction upon application of the board to issue an order requiring the person to appear and testify or produce evidence as the case may require, and a failure to obey the order of the court may be punished by the court as contempt;

(3) Conduct a contested case hearing and issue an order on the question of whether a member of a utility district board should be removed from office and a new board or member appointed or elected as provided in § 7-82-307(b);

(4) Conduct a contested case hearing and issue an order in the manner prescribed under § 7-82-307(c) on the question of whether a utility district that fills vacancies on its board using a method other than appointment by a county mayor should be required to fill a vacancy under the uniform method for the filling of vacancies set forth by § 7-82-307(a)(4) and (5);

(5) Establish parameters that define excessive water loss, and order reasonable measures to cure excessive water loss;

(6)

(A) Review and approve the model of ethical standards prepared by the Tennessee Association of Utility Districts (TAUD) for water, wastewater, and gas authorities created by a private act or under the general law;

(B) Review and approve the ethical standards prepared for utility districts pursuant to § 8-17-105; and

(C) Review and find, by order, that the ethical standards adopted by a water, wastewater, or gas authority created by a private act or under the general law, or a utility district that differ from the TAUD model are more stringent than the TAUD model;

(7) Review and approve the incorporation of a utility district in accordance with part 2 of this chapter;

(8) Review and approve the purchase, development, acquisition, or construction of a new water or wastewater system by a city or county in accordance with § 68-221-1017;

(9) Require a utility system to merge or consolidate with a financially distressed utility system in accordance with the process provided under § 7-82-704;

(10) Administer and make grants from the utility revitalization fund established under § 7-82-708;

(11) Make and enter into contracts;

(12) Accept gifts, grants, or other moneys, and receive appropriations made by law;

(13) Offer advisory technical assistance to any utility system, to the extent it may be competently offered; and

(14) Exercise all the powers and take all the actions necessary, proper or convenient, for the accomplishment of the purposes enumerated in this part.

(b)

(1) In addition to the powers described under subsection (a), the board also has the authority to review and conduct informal hearings of the following:

(A) The justness and reasonableness of a utility system's rates, fees, or charges;

(B) The justness and reasonableness of a utility system's requirement that a customer or developer build infrastructure or fixtures to be dedicated to the utility system;

(C) The failure of a utility system to adopt and enforce policies or rules necessary for the efficient and financially responsible operation of the utility system, including policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies;

(D) The inadequacy of a utility system's policies regarding ethics or financial controls, or for water loss, water leak adjustment, purchasing, or other industry standard policies; and

(E)

(i) The failure of a utility system to offer or extend utility service to a customer:

(a) Located within the utility system's covered area;

(b) Located within an area in which the utility system offers similar services;

(c) Located within an area in which the utility has the infrastructure to offer similar services; or

(d) Pursuant to a request made in accordance with § 7-82-112.

(ii) For any complaint submitted pursuant to subdivision (b)(1)(E)(i), the utility system has the affirmative burden to show that

(a) It does not have the capacity to serve the customer;

(b) Service to the customer is not economically feasible; or

(c) Service is not in the best interest of the utility and its existing customers.

(2) A complainant to the Tennessee board of utility regulation shall first appeal or make a complaint to the utility system's governing board, or utilize any other available remedy offered by the utility system, prior to seeking an informal hearing before the board.

(3) The board shall consider the reasonableness of the utility system's rules, policies, and cost of service as well as evidence presented during the hearing, if applicable, in making the board's decision.

(4) The request for an informal hearing under this subsection (b) must be received within thirty (30) days of the adverse decision of the utility system's governing board.

(5) Appellate review of the board's decisions is governed by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The Davidson County chancery court has jurisdiction over judicial review of the board's decisions.

(6) In the conduct of an informal hearing upon request or complaint, the board may receive affidavit evidence, in addition to minutes, transcripts, and other evidence of actions by the utility system, and may render its decision on the basis of that evidence or, if the board deems an open hearing appropriate, may order the interested parties be notified of the date, time, and place that such hearing will be held.

(7) The board may order such remedial actions as necessary to address a customer's complaint, including the exercise of any authority conferred upon the board by this part.

(8) Board staff may consolidate complaints that raise substantially similar issues against the same utility system to be heard together before the board.

(9)

(A) The board may only conduct an informal hearing under this subsection (b) pursuant to a referral from the comptroller of the treasury or board staff.

(B) Board staff shall recommend that the board conduct an informal hearing pursuant to a customer complaint so long as the complaint presents a dispute that, if resolved in favor of the complainant, would justify the board ordering remedial action.

**7-82-703.**

(a) The comptroller of the treasury shall file with the Tennessee board of utility regulation a copy of the audited annual financial report of any financially distressed utility system within sixty (60) days from the date that the audit is filed with the comptroller of the treasury, for administrative review by the board.

(b) A utility system is financially distressed when it has a deficit total net position in any one (1) year, has a deficit unrestricted net position in any one (1) year, has a negative change in net position for two (2) consecutive years without regard to any grants or capital contributions, or is currently in default on any of its debt instruments.

(c)

(1) The comptroller of the treasury shall refer a utility system to the board if the utility system:

(A) Fails to complete and submit to the comptroller for administrative review an audited annual financial report for two (2) consecutive years;

(B) Is found to have used utility funds to pay non-utility expenses, used non-utility funds to pay utility expenses, or transferred utility funds to

any other non-utility fund or account, unless the use or transfer is allowed by law; or

(C) Is found to have made an illegal payment or transfer of funds.

(2) The board is authorized to take one (1) or more remedial actions as described under § 7-82-706(b) for a financially distressed utility system.

(d) After reviewing the audited annual financial report and operations of the financially distressed utility system, and after holding a public hearing, which may be held as part of a regularly scheduled or specially called board meeting, the board may prescribe a rate structure to be adopted by the financially distressed utility system to:

- (1) Eliminate the utility system's negative changes in net position;
- (2) Liquidate any deficit total net position, in an orderly fashion; or
- (3) Cure a default on any indebtedness of the utility system.

(e) In the event the governing body of the financially distressed utility system fails to adopt the prescribed rate structure described in accordance with subsection (d), the board shall petition the chancery court in a jurisdiction in which the utility system is operating or in the chancery court of Davidson County to require the adoption of the rate structure prescribed by the board. The court may also order other remedies that, in the court's discretion, may be required to cause the utility system to operate in accordance with state law and in a financially self-sufficient manner.

(f) Notwithstanding any other law to the contrary, this section does not preclude a public utility system from operating water and sewer systems as individual or combined entities.

(g) Notwithstanding any other law to the contrary, a government joint venture that supplies or treats water or wastewater for wholesale use only to other governments does not fall under the jurisdiction of the board for the purpose of reporting negative change in net position annually; provided, however, that the government joint venture



must be referred to the board if the government joint venture is in a deficit or default position as described under this section.

(h) As used in this section, "change in net position" means total revenues less all grants, capital contributions, and expenses.

**7-82-704.**

(a) The board may order the merger or consolidation of an ailing utility system with another utility system if the merger is necessary to restore financial stability of the system, ensure continued operation, or otherwise ensure the well-being of the public being served by the utility system. A utility system is ailing if the utility system:

(1) Is financially distressed, as described in § 7-82-703(b);

(2) Is financially unable to expand the amount or type of service as set forth and described in its founding documents or petition for creation as described under § 7-82-201, § 68-221-604, § 68-221-1304, or any other section or private act; or

(3) Displays a pattern of severe managerial incompetence such that the utility system cannot provide the public it serves with safe, consistent access to its services. As used in this subdivision (a)(3), "severe managerial incompetence" includes:

(A) Frequent interruptions in service to multiple customers, lasting multiple days;

(B) Frequent infrastructure failures that result in interruptions in service or cause the quality of service to fall below safe levels; or

(C) Failure to:

(i) Respond to reports of damage to, or failure of, infrastructure within a reasonable timeframe;

(ii) Improve or attempt to improve infrastructure, including necessary maintenance, upgrades, or construction of redundant infrastructure where necessary; or

(iii) Correct a deficiency in oversight, operational management, or finance management, which leads to repeated harm to the utility system, a violation of state or federal law, or fraud, waste, or abuse of the utility system's resources.

(b)

(1) After reviewing the audited annual financial report and operations of the ailing utility system, the board may order the ailing utility system to obtain a study from a qualified expert on the feasibility and benefit of the ailing system merging or consolidating with another utility system. For purposes of this subdivision (b)(1), the board may determine by vote that an expert is not qualified to conduct the study, or determine that the study is not sufficient for any reason deemed appropriate in the board's discretion.

(2) After the results of the study are submitted to the board or the board's staff, and if the results favor a merger or consolidation, then a representative of the board shall hold a public hearing within the service area of the ailing utility system to notify the customers of the potential merger or consolidation.

(c) After the public hearing described in subdivision (b)(2) occurs, the board shall conduct an informal hearing on the questions of whether:

(1) The consolidation or merger:

(A) Is in the best interest of the public being served by the ailing utility system; and

(B) Harms the public being served by the utility system with which the ailing utility system may consolidate or merge; and

(2) The ailing utility system should be merged or consolidated with another utility system.

(d) In making the determination pursuant to subsection (c), the board shall consider:

(1) The results of the study described in subdivision (b)(1);

(2) Comments that the board representative received at the public hearing that occurred within the service area of the system;

(3) Other evidence presented by the ailing system and the system with which the ailing system may merge or consolidate; and

(4) Other evidence presented to the board.

(e) The board shall properly notify the ailing utility system and the system with which the ailing utility system may merge or consolidate of the date and time of the informal hearing and allow each party a reasonable opportunity to address the board.

(f) If the board determines that it is in the best interest of the public being served by the ailing utility system that the ailing utility system merge or consolidate with another utility system, and that it is not harmful to the public being served by the utility system with which the ailing utility system should merge or consolidate, then the board shall order the systems to develop a merger or consolidation agreement between the systems. The agreement must include, at a minimum, the following components:

(1) An assurance that the systems have sought and obtained, or will seek and obtain, all necessary approvals from the United States department of agriculture, the Tennessee local development authority, the Tennessee department of environment and conservation, or another interested party for the assumption of the ailing utility system's outstanding debt obligations;

(2) A transfer of all other rights and duties of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(3) An assumption of all assets and liabilities of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(4) A transfer of all appropriate documents to vest legal title of the ailing utility system to the system with which the ailing utility system is to merge or consolidate;

(5) A provision that the system with which the ailing utility system is to merge or consolidate will operate the system and account for the revenues from the system in a manner as not to impair contractual or other legal obligations of the ailing utility system;

(6) A provision describing the merged or consolidated system's new territorial boundaries;

(7) An initial rate structure for the newly merged or consolidated utility system; and

(8) Other provisions necessary to comply with applicable state and federal laws such that the systems are solely responsible for ensuring that the terms of the merger or consolidation agreement address all necessary topics.

(g)

(1) After the systems have drafted a complete agreement, the board shall enter an order approving the merger or consolidation agreement and shall require the utility systems to enter into the merger or consolidation agreement.

(2)

(A) If the board finds that a provision of the agreement is unreasonable or deficient, then the board may order the parties to amend the agreement or resolve the deficiency in a fair and reasonable manner.

(B) If, after the parties have attempted to develop an agreement in good faith, they are unable to come to an agreement, then the board may resolve topics of disagreement in a fair and reasonable manner and

have the parties amend the agreement to reflect the determination of the board.

(3) If the board determines that the systems have refused or failed to enter into good faith negotiations on a merger or consolidation, then the board shall petition the chancery court in a jurisdiction in which a utility system that is a party to the merger or consolidation is operating to require the party or parties to engage in good faith negotiations concerning the merger or consolidation.

(h) If the governing body of the utility system does not enter into the approved merger or consolidation agreement or fails to abide by the terms and conditions of the merger or consolidation agreement, then the board shall petition the chancery court in a jurisdiction in which the utility system is operating to enforce the board's order to require the board of commissioners to enter into the approved merger or consolidation agreement and to abide by and implement all of the terms and conditions of the merger or consolidation agreement.

(i) A merger or consolidation approved by the board under this section is not subject to the petition, public hearing, or mayoral order requirements of § 7-82-202, § 7-82-601, or § 7-82-603. A merger or consolidation approved under this section is not subject to approval by a county legislative body under § 7-82-202(a)(3)(B).

(j) After the board has ordered the utility systems to enter into the merger or consolidation agreement negotiated under this section, and after the utility systems have entered into the agreement, the board shall issue an order like that required under § 7-82-202(e). After the board issues the order, a party to the agreement may secure judicial review of the decision by filing a petition for judicial review in the appropriate venue as set forth in § 4-5-322(b).

(k) The board shall file the order required by subsection (j) in the same manner as described under § 7-82-202(d). The board shall also file a copy of its order with the

county or municipal mayor or mayors where the consolidated or merged systems are located.

(l)

(1) When utility systems merge or consolidate and the merging utility systems are utility districts, the utility systems may agree to expand the size of the board of commissioners of the surviving district as permitted by § 7-82-202(e)(2) and (3). If the utility systems agree to expand the size of the board of commissioners of the surviving district, then the systems shall assert their intention to expand the size of the board of commissioners of the surviving district and name qualified individuals to serve on the new board in the consolidation or merger agreement. If the board approves of the agreement, then the named qualified individuals serve on the board of commissioners of the surviving merged or consolidated district until their terms expire, at which time the county mayors shall appoint commissioners in accordance with the procedures set out in this section.

(2) If the utility systems do not agree to expand the size of the board of commissioners of the surviving district, then the current commissioners of the surviving district must serve the remainder of their terms. Upon the first expiration of a commissioner's term after the merger or consolidation is completed, the list of three (3) nominees submitted to the appropriate county mayor to fill the vacancy created by the expiration of the term must include at least one (1) nominee from the service area of the previously ailing utility system to fill the seat.

(m) The board is authorized to develop a plan of mitigation payments to the merged or consolidated utility system in order to mitigate any negative financial impact of the merger or consolidation on the utility system agreeing to merge or consolidate with

an ailing utility system. The mitigation payments must be made from funds available in the utility revitalization fund and may include:

- (1) Amounts to offset increased administrative costs relating to the merger or consolidation, to the extent those costs cannot reasonably be recovered from customer revenues or other assets of the ailing utility system;
- (2) Amounts that may be necessary to cure a default on indebtedness of the ailing utility system to the extent the defaults can, in the opinion of the board, reasonably be cured;
- (3) Amounts that may be necessary to renovate and repair the facilities of the ailing utility system to the level necessary to enable the merged or consolidated utility system to provide continued service to the public being served by the ailing utility system;
- (4) Amounts sufficient to fund capital improvements or connect one (1) utility system to another, if the merger is not achievable without the improvements; or
- (5) Other payments as may be necessary in the opinion of the board to accomplish the merger or consolidation and mitigate the financial impact of the merger or consolidation.

**7-82-705.**

The Tennessee board of utility regulation shall publish annually on its public website a report describing the activities of the board for the preceding year. The board shall receive and consider from any source, whether private or governmental, suggestions for amendments to this chapter, and, on the basis of the suggestions, may recommend amendments to the governor or the comptroller of the treasury.

**7-82-706.**

(a) Notwithstanding any law to the contrary, the Tennessee board of utility regulation has the authority to review utility systems under its jurisdiction and may

include the assistance of the department of environment and conservation, the comptroller of the treasury, the Tennessee Association of Utility Districts, or any other governmental entity or entity approved by the board. The board may review utility systems:

(1) To determine the financial, technical, and managerial capacity of a utility system to comply with the requirements of applicable federal and state law; or

(2) To determine the financial, technical, and managerial capacities of a utility system to efficiently manage its system, including reasonable and just user rates, debt structures, and water loss.

(b)

(1) The board may require a utility system to take appropriate remedial action to correct a deficiency identified by the board. A remedial action may include:

(A) Changes in ownership, management, accounting practices, or user rates;

(B) Adoption or change to maintenance practices, software, or hardware, or development of alternative supplies of resources, means of distribution of resources, or methods of water and wastewater management;

(C) Merger or consolidation of a utility system with another system, as described under § 7-82-704; or

(D) Development of rules and policies by the utility system as necessary for effective and responsible management of a utility system.

(2) The board may only require remedial action under subdivision (b)(1) when the review was initiated pursuant to a referral from the comptroller of the treasury or at the recommendation of board staff.



(c) In addition to the authority granted under subsections (a) and (b), the board has the authority to review a utility system whose water loss as reported in the utility system's annual water loss report submitted pursuant to § 7-82-707 is excessive, as established by parameters determined by the board. If a utility system fails to take the appropriate actions required by the board to reduce water loss to an acceptable level, then the board may petition the chancery court in a jurisdiction in which the utility system is operating to require the utility system to take the appropriate actions.

**7-82-707.**

(a) Each utility system shall submit to the Tennessee board of utility regulation by the first day of the system's fiscal year an annual report on a form approved by the board. If a utility system fails to submit the annual report in accordance with this section, then the board may order reasonable sanctions against the system or facility.

(b) The form approved by the board shall inform the public of:

- (1) The financial condition of the utility system at the end of the fiscal year;
- (2) A statement of the utility rates then being charged by the system;
- (3) Other information the board finds would assist the board and the public in understanding the financial health of the system or any challenges the system faces.

(c) A utility system that purchases more than fifty percent (50%) of its total water for resale must include the contract for the purchase of water for resale simultaneously with the report required under subsection (a).

(d) A utility system shall submit to the comptroller of the treasury a water loss report on a form prescribed by the board, simultaneously, with the report required under subsection (a). Failure of a utility system to submit the water loss report constitutes excessive water loss, and the board may order appropriate remedial measures.

(e) The comptroller of the treasury shall annually publish on its website the annual reports and water loss reports submitted by utility systems.

(f) A utility system shall ensure that each member of the utility's governing body completes all required training and shall collect an annual training statement, on a form approved by the board, from each member of the governing body.

(g) An employee of, or member of, the governing body of a utility system who becomes aware of a transfer, loan, grant to or from the utility fund, or another transaction in violation of § 7-34-115 or another applicable law, shall immediately report the transaction to the comptroller of the treasury. The report must be made no later than fifteen (15) calendar days after the employee or member becomes aware of the unauthorized transaction.

**7-82-708.**

(a)

(1) There is created in the state treasury a fund to be known as the "utility revitalization fund." The fund must be initially funded by a deposit of the balance of funds held in the utility district revitalization fund previously created in accordance with § 7-82-707(a)(1) as such section existed prior to July 1, 2023.

(2) The Tennessee board of utility regulation shall administer the fund for grants to utility systems that have merged or consolidated under § 7-82-704 to mitigate the financial impact of the merger or consolidation.

(3) Utility systems pursuing a voluntary merger, consolidation, or acquisition may apply to the board for grants from the fund. The board has discretion to grant the application if it finds that the merger is in the best interest of at least one (1) utility system's service population, does not harm another service population, and the grant is necessary to achieve the merger.

(4) The board may adopt rules for the fund's administration.

(5) Interest and earnings of the fund remain a part of the fund.

(6) No part of the fund reverts to the general fund at the end of a fiscal year, but remains a part of the fund available for expenditure in accordance with this part.

(b)

(1) It is the intent of the general assembly that, to the extent practicable, money from the fund is spent in all areas of the state.

(2) In addition to subdivision (b)(1), it is the intent of the general assembly that in each fiscal year the fund be managed so that actual expenditures and obligations to be recognized at the end of the fiscal year do not exceed available reserves and appropriations of the fund.

(c)

(1) The board shall provide a report to the commissioner of finance and administration regarding the status of the appropriations for the fund by June 30 of each year. The report must include, at a minimum, the following information:

(A) The amount of each grant accepted since the previous report and the name of the utility system receiving the grant;

(B) The total outstanding commitments; and

(C) The total unobligated appropriation.

(2) The board shall transmit a copy of the report required under subdivision (c)(1) to the speaker of the house of representatives, the speaker of the senate, the state treasurer, the state comptroller of the treasury, the office of legislative budget analysis, the legislative librarian, and the secretary of state by July 30 of each year.

(d) The board shall determine the appropriate amount of each grant based on:

(1) Available funds in the fund;

(2) The findings of a study performed pursuant to § 7-82-704;

(3) Evidence provided by the Tennessee Association of Utility Districts;

or

(4) Another source or authority determined to be reliable, in the discretion of the board.

(e) A utility system that is a recipient of a grant under this section shall submit quarterly reports to the board on a form approved by the board.

(f)

(1) A grant from this fund may be used to mitigate a utility system's operating expenses.

(2) The board's order approving the grant must specify the total maximum amount of the grant, the time period over which the grant will be disbursed, the disbursement schedule, and a description of the expenses the grant is meant to mitigate. The grant must be used only as described in the board's order.

(3) The comptroller of the treasury and the board may consider a disbursement made under this section to be operating revenue for purposes of determining whether a utility system is in financial distress.

(4) The board may only approve grants to mitigate operating expenses if the applicant utility system establishes that, after the last disbursement from the grant is made, the system will be financially solvent.

SECTION 24. Tennessee Code Annotated, Section 7-82-804, is amended by deleting the last sentence and substituting:

Questions of the appropriateness or adequacy of any utility district purchasing policy must be submitted in writing to the Tennessee board of utility regulation.

SECTION 25. Tennessee Code Annotated, Section 8-17-105, is amended by deleting subsection (b) and substituting:

(b)

(1) In order to provide guidance and direction to water, wastewater, and gas authorities created by a private act or under the general law and to utility districts, the Tennessee Association of Utility Districts (TAUD) shall prepare a model of ethical standards for officials and employees of water, wastewater, and gas authorities created by private act or under the general law and of utility districts. The model must be submitted to the Tennessee board of utility regulation for its review and approval pursuant to § 7-82-702(a)(6). The board shall approve by order the TAUD model of ethical standards before the model is adopted by a water, wastewater, or gas authority created by a private act or under the general law or by a utility district. After the board approves the TAUD model, the TAUD model must be filed with the commission.

(2) The governing body of a water, wastewater, or gas authority created by a private act or under the general law, or of a utility district, that adopts ethical standards for its officials and employees shall either adopt the TAUD model of ethical standards approved by the board or adopt ethical standards that are more stringent than the TAUD model. If a water, wastewater, or gas authority created by a private act or under the general law, or a utility district, adopts ethical standards that are different from and more stringent than the TAUD model, then the more stringent ethical standards must be submitted to the board, which shall make a finding by order that the ethical standards adopted are more stringent than the TAUD model.

SECTION 26. Tennessee Code Annotated, Section 8-44-111, is amended by deleting subsection (c) and substituting:

(c) The Tennessee board of utility regulation shall develop a program for members of the governing bodies of utility systems under the board's jurisdiction to educate the board members about the open meetings laws and how to remain in compliance with such laws.

SECTION 27. Tennessee Code Annotated, Section 64-9-107(c), is amended by deleting "utility management review board, water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 28. Tennessee Code Annotated, Section 65-5-401, is amended by deleting subdivision (2) and substituting:

(2) "Utility" means:

(A) An entity subject to the jurisdiction of the Tennessee board of utility regulation in accordance with § 7-82-701;

(B) A county-owned or municipal-owned utility that provides electric, broadband, or propane services to the public;

(C) A public utility, as defined in § 65-4-101; and

(D) A cooperative, as defined in § 65-25-102.

SECTION 29. Tennessee Code Annotated, Section 65-5-403, is amended by deleting subsection (a) and substituting:

(a) If a utility:

(1) As defined in § 65-5-401(2)(A), fails to comply with § 65-5-402, then the Tennessee board of utility regulation shall order reasonable sanctions against the utility;

(2) As described in § 65-5-401(2)(B) or (2)(D), fails to comply with § 65-5-402, then the comptroller of the treasury, or the comptroller's designee, shall order reasonable sanctions against the utility; and

(3) As described in § 65-5-401(C), fails to comply with § 65-5-402, then the Tennessee public utility commission shall order reasonable sanctions against the utility.

SECTION 30. Tennessee Code Annotated, Section 67-3-901(j), is amended by deleting "utility management review board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 31. Tennessee Code Annotated, Section 68-221-109, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 68-221-604, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 33. Tennessee Code Annotated, Section 68-221-605(f), is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 34. Tennessee Code Annotated, Section 68-221-611, is amended by deleting subsection (m) and substituting:

(m)

(1) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(A) Based upon historical operating results and reasonably anticipated future operations; and

(B) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental standards and as approved by the comptroller of the treasury or the comptroller's designee.

(2) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(3) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(4) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(5) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 35. Tennessee Code Annotated, Section 68-221-1003, is amended by deleting subdivision (2) and substituting:

(2) "Board" means the Tennessee board of utility regulation established under § 7-82-701;

SECTION 36. Tennessee Code Annotated, Section 68-221-1007, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 68-221-1008, is amended by deleting the section.

SECTION 38. Tennessee Code Annotated, Section 68-221-1009, is amended by deleting the section.

SECTION 39. Tennessee Code Annotated, Section 68-221-1010, is amended by deleting the section.

SECTION 40. Tennessee Code Annotated, Section 68-221-1011, is amended by deleting the section.

SECTION 41. Tennessee Code Annotated, Section 68-221-1012, is amended by deleting the section.

SECTION 42. Tennessee Code Annotated, Section 68-221-1013, is amended by deleting the section.



SECTION 43. Tennessee Code Annotated, Section 68-221-1015, is amended by deleting subsection (d).

SECTION 44. Tennessee Code Annotated, Section 68-221-1016, is amended by deleting the section.

SECTION 45. Tennessee Code Annotated, Section 68-221-1017, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 46. Tennessee Code Annotated, Section 68-221-1206(a)(3), is amended by deleting "water and wastewater financing board" and substituting "Tennessee board of utility regulation".

SECTION 47. Tennessee Code Annotated, Section 68-221-1304, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 48. Tennessee Code Annotated, Section 68-221-1305, is amended by deleting "water and wastewater financing board" wherever it appears and substituting "Tennessee board of utility regulation".

SECTION 49. Tennessee Code Annotated, Section 68-221-1306, is amended by deleting subdivision (c)(3) and substituting:

(3)

(A) Prior to the beginning of the fiscal year, an authority, whether created pursuant to this chapter or a public or private act, shall adopt a balanced annual operating budget that identifies the authority's anticipated revenues by source and anticipated expenses by type of expense. The budget must be:

(i) Based upon historical operating results and reasonably anticipated future operations; and

(ii) Created in conformity with generally accepted accounting principles and prepared in a form consistent with accepted governmental

standards and as approved by the comptroller of the treasury, or the comptroller's designee.

(B) A budget as adopted must be submitted to the comptroller of the treasury, or the comptroller's designee, for approval.

(C) The comptroller of the treasury, or the comptroller's designee, shall provide guidance to the form of a budget, including supplemental schedules, as necessary, to demonstrate that an authority has adequate cash to meet current obligations, including principal and interest, as applicable.

(D) If a proper budget is not approved by or submitted to the comptroller of the treasury, or the comptroller's designee, within two (2) months of the beginning of the fiscal year, then the authority shall not issue a debt or financing obligation until the comptroller of the treasury, or the comptroller's designee, has approved the budget, or as otherwise provided for in a manner approved by the comptroller of the treasury, or the comptroller's designee.

(E) In the case of an emergency, the comptroller of the treasury, or the comptroller's designee, may waive the requirement of budget approval in order to allow the authority to enter into emergency financial transactions.

SECTION 50. Notwithstanding Tennessee Code Annotated, Section 4-29-112, the utility management review board, created by Tennessee Code Annotated, Section 7-82-701, terminates and ceases to exist.

SECTION 51. All administrative rules filed by the utility management review board or the water and wastewater financing board in the office of the secretary of state and in effect on July 1, 2023, shall remain in effect as rules of the comptroller of the treasury, and all rulemaking authority, procedures, records, reports, functions, and duties of the utility management review board or the water and wastewater financing board shall be transferred to the comptroller of the treasury.

SECTION 52. All ongoing business of the utility management review board and the water and wastewater financing board, and the supervision of all entities under the utility management review board and the water and wastewater financing board are transferred to the Tennessee board of utility regulation.

SECTION 53. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 492\***

**House Bill No. 1185**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 35-15-303, is amended by deleting subdivisions (5)-(8) and substituting:

(5) When a trust is a beneficiary of another trust, the beneficiary trust may be represented by its trustee or, if the beneficiary trust has not yet been created, has previously terminated, or is otherwise not then in existence, or the trustee is unwilling or unable to represent the trust, the beneficiary trust may be represented by those persons who are qualified beneficiaries or who would be qualified beneficiaries of the beneficiary trust if the beneficiary trust were then in existence;

(6) A personal representative of a decedent's estate may represent and bind persons interested in the estate;

(7) A person may represent and bind the person's minor or unborn descendant if a guardian for the descendant has not been appointed. If a disagreement or material conflict of interest arises between persons seeking to represent the same minor descendant or unborn descendant, representation is determined as follows:

(A) If only one (1) person is a beneficiary of the trust that is the subject of the representation, that person may represent the minor descendant or unborn descendant;

(B) If both persons are beneficiaries of the trust that is the subject of the representation, then the person who is related to the settlor, other than by reason



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of being married to the other person, may represent the minor descendant or unborn descendant;

(C) Subject to subdivision (7)(D), if neither person is a beneficiary of the trust that is the subject of the representation, then the person who is the settlor of the trust that is the subject of the representation may represent the minor descendant or unborn descendant; or

(D) If neither person is a beneficiary or settlor of the trust that is the subject of the representation, then the person who is related to the settlor, other than by reason of being married to the other person, may represent the minor descendant or unborn descendant;

(8) A person designated by the settlor in the trust instrument or in a writing delivered to the trustee to represent the beneficiaries of the trust may represent and bind the beneficiaries;

(9) A person designated by the beneficiaries of the trust to represent them may represent and bind the beneficiaries; and

(10) A parent or spouse of an incapacitated adult who has assumed responsibility for the adult, may represent and bind the incapacitated adult if no conservator or guardian has been appointed and no agent has authority to act with respect to the matter in question.

SECTION 2. Tennessee Code Annotated, Section 35-15-303, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) As used in subdivision (5), "beneficiary trust" means a trust that is a beneficiary of another trust.

SECTION 3. Tennessee Code Annotated, Section 35-15-604(c), is amended by adding the language ", or if a distribution is adjudged to have been made in error," after the language "adjudged to be invalid".

SECTION 4. Tennessee Code Annotated, Title 30, Chapter 2, Part 6, is amended by adding the following as a new section:

(a) The personal representative and all persons whose consent is required to reach a binding settlement to be approved by the court may enter into a binding nonjudicial settlement agreement regarding any matter involving estate administration.

(b) A nonjudicial settlement agreement is valid only to the extent it does not violate a material purpose or intention of the testator and includes terms and conditions that could be properly approved by the court under this section or other applicable law.

(c) Matters that may be resolved by a nonjudicial settlement agreement include:

(1) The interpretation or construction of the terms of the will;

(2) Liability of a personal representative for an action relating to the administration of the estate;

(3) The approval of an investment decision, delegation, policy, plan, or program occurring during estate administration;

(4) Appointment of a trustee of a trust established by the will in the event of a vacancy in the office of the designated trustee;

(5) Change of principal place of administration of a trust established by the will;

(6) Change of governing law of a trust established by the will;

(7) Approval of attorney and personal representative fees; and

(8) Directing the decedent's real property to be administered as part of the estate that is subject to the control of the personal representative.

(d) A nonjudicial settlement agreement entered into pursuant to this section is final and binding on all parties to the agreement, including individuals validly represented as provided by title 35, chapter 15, part 3.

(e) Any party to the nonjudicial settlement agreement may request the court to:

(1) Approve a nonjudicial settlement agreement;

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 368\***

**House Bill No. 1182**

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| Comm. Amdt. _____ |

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding the following as a new chapter:

**66-33-101. Short title.**

This chapter is known and may be cited as the "Real Property Records Integrity Act."

**66-33-102. Definitions.**

As used in this chapter:

- (1) "Person" means a natural person, partnership, association, cooperative, corporation, trust, or other legal entity;
- (2) "Recording" means presenting a document to a county register in this state for official placement in the public land records;
- (3) "Residential real estate" means real property located in this state that is used primarily for personal, family, or household purposes and is improved by one (1) to four (4) dwelling units;
- (4) "Service agreement" means a contract pursuant to which a person agrees to provide services in connection with the sale of residential real estate or the sale of any product or the performance of any personal service on or for the maintenance of residential real estate; and
- (5) "Service provider" means a person who provides services or products to a consumer.



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**66-33-103. Service agreements.**

(a) The general assembly finds and declares that:

(1) The public policy of this state favors the transferability of interests in real property free from unreasonable restraints on alienation and covenants or servitudes that do not touch and concern the property; and

(2) A recorded service agreement violates this public policy by impairing the marketability of title to the affected real property and constitutes an unreasonable restraint on alienation, regardless of the duration of the contract or the amount of the consideration set forth in the agreement.

(b) A recorded service agreement is void and unenforceable under this chapter if the agreement:

(1) Purports to run with the land or to be binding on future owners of interests in the real property;

(2) Allows for assignment of the right to provide services without notice to and the consent of the owner of residential real estate; or

(3) Purports to create a lien, encumbrance, or other real property security interest.

(c) This chapter does not impair:

(1) The rights granted or applied involving a mechanic's or materialmen's lien under title 66, chapter 11;

(2) The furnishing of a loan or other thing of value to be secured by real property as otherwise provided by law;

(3) An agreement entered into by a nonprofit, mandatory membership organization comprised of owners of homes, condominiums, cooperatives, or manufactured homes; or



(4) Any interest in real property created pursuant to a declaration, covenant, or other applicable law, pertaining to the oversight or management of real property.

**66-33-104. Recording prohibited.**

(a) A service provider shall not record or cause to be recorded a service agreement or notice or memorandum of the agreement in this state.

(b) A service provider who records or causes to be recorded a service agreement or notice or memorandum of the agreement in this state in violation of § 66-33-103 is liable to an affected party for ten thousand dollars (\$10,000) in statutory damages.

(c) Notwithstanding chapter 24 of this title, a register in this state may refuse to accept for recordation a service agreement and is not liable for mistakenly recording an unfair service agreement.

(d) If a service agreement is recorded in violation of this chapter, then it does not constitute actual or constructive notice to an otherwise bona fide purchaser or creditor.

**66-33-105. Recording of court order.**

If a service agreement or a notice or memorandum of the agreement is recorded in violation of this chapter, then a person with an interest in the real property that is the subject of the agreement may apply to a court of competent jurisdiction in the county where the recording exists to record a court order declaring the agreement unenforceable.

**66-33-106. Rights of recovery.**

(a) If a service agreement or a notice or memorandum of the agreement is recorded in violation of this chapter, then a person with an interest in the real property that is the subject of the agreement:

(1) May recover actual damages, court costs, and attorney's fees in addition to the statutory damages described in § 66-33-104(b); and

(2) Has all rights and remedies available to the person under § 47-18-109.

(b) This chapter may also be enforced by the attorney general and reporter on behalf of the citizens of this state.

SECTION 2. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes 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. 877\***

**House Bill No. 1520**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-five (25) years of age for the limited purpose of participating in the pilot program established by § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following language as a new subdivision:

(H) Notwithstanding this subdivision (b)(5), the court may retain post dispositional jurisdiction pursuant to § 37-1-131(a)(9) for a child found delinquent under § 37-1-131;

SECTION 3. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following as a new subdivision:

(9)

(A) If, pursuant to § 37-1-134(c)(2), a child is found delinquent or pleads guilty to an offense listed in § 37-1-134(a)(1), the court may retain jurisdiction over the child until the child's twenty-fifth birthday and order the child to participate in the pilot program established by this subdivision (a)(9). Under the pilot program, the court may impose a sentence upon the child that could be imposed if the offense was committed by an adult, but may not commit the child to the custody of the department of children's services or place the child on



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probation under the supervision of the department of children's services. Any portion of the disposition imposed that extends prior to the child's twenty-fifth birthday must be stayed pending completion of requirements set forth by the court at the time of disposition;

(B)

(i) At any time prior to the child's twenty-fifth birthday, a petition may be filed requesting the court find that the child has completed all requirements under the original disposition order and that the child be placed or released in a manner consistent with subdivision (a)(9)(C)(i) or (ii);

(ii) The request must:

(a) Be made before the judge, or the judge's successor, of the juvenile court in which the original commitment occurred;

(b) State the reason for recommending the placement or release; and

(c) Make specific recommendations with respect to the child's placement;

(iii) A copy of the request must be supplied to the appropriate district attorney general;

(iv) If, on review of the record, the court is of the opinion that the request is well-taken and the district attorney general has no objection, then the judge may order the release or placement without a hearing. Otherwise, the court shall schedule a hearing within fifteen (15) days of the court's receipt of the request; and

(v) At a hearing scheduled pursuant to subdivision (a)(9)(B)(iv), the department, the juvenile offender, the victim, and the state must be given an opportunity to be heard in support or opposition of a proposed

placement or release. Each party may subpoena witnesses to testify on an issue raised by the proposed placement or release. The court may ensure that orders pertaining to continued commitment, home placement, probation, or release as the court determines, are justified by the proof produced at the hearing;

(C) Within thirty (30) days of the child's twenty-fifth birthday, the court shall hold a hearing to determine the status of the child. At that hearing, the court shall make one (1) of the following determinations:

(i) That the child must be released on the child's twenty-fifth birthday with no other conditions;

(ii) That the child must be released and placed on probation pursuant to conditions in § 40-35-303; or

(iii) That the child must serve any remainder of the sentence as ordered by the court;

(D) The pilot program created by this subdivision (a)(9) must be implemented in a county in which an authorizing resolution is approved by the county legislative body by a two-thirds (2/3) majority and must be paid for by local or grant funding; and

(E) A county that approves the pilot program pursuant to subdivision (a)(9)(D) shall submit a yearly report to the chairs of the judiciary committee of the senate and the criminal justice committee of the house of representatives detailing the number of persons sentenced pursuant to the pilot program, the cost of implementing the program, and other relevant information with regard to the pilot program.

SECTION 4. Tennessee Code Annotated, Section 37-1-134(c), is amended by designating the existing language as subdivision (c)(1) and adding the following language as a new subdivision (c)(2):

If the court makes a determination required under subsection (a), but finds that transfer is not appropriate under subsection (b), then the state may submit a petition requesting that the matter be adjudicated under § 37-1-131(a)(9).

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



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## **House Finance, Ways, and Means Committee**

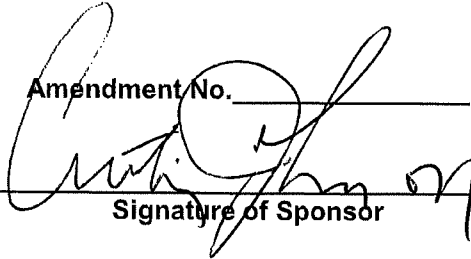
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### **Amendment Packet**

March 20, 2023

6/1/14

From Full 3/14

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 148**

**House Bill No. 130\***

by deleting the language "The review is confined to the record" in Section 5(c) and substituting instead the language "Unless the board shall otherwise direct, the review is confined to the record".

**AND FURTHER AMEND** by deleting Section 10 and substituting instead the following:

SECTION 10. Tennessee Code Annotated, Section 67-5-1511(b), is amended by deleting the following language:

The judicial review provided in subsection (a) shall consist of a new hearing in the chancery court based upon the administrative record and any additional or supplemental evidence which either party wishes to adduce relevant to any issue and substituting instead the following:

Notwithstanding another law to the contrary, the judicial review provided in subsection (a) is a de novo appeal, with no presumption of correctness of the decisions of the lower tribunals in the case at hand, and must consist of a new hearing in the chancery court based upon the administrative record and any additional or supplemental evidence that either party wishes to adduce relevant to any issues



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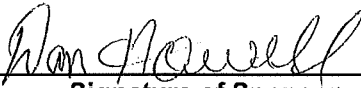


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Signature of Sponsor

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**AMEND Senate Bill No. 273\***

**House Bill No. 321**

by deleting all language after the caption and substituting instead:

WHEREAS, Tennessee's policies have created immense economic opportunity, with more than 250,000 new jobs created since 2011; and

WHEREAS, Tennessee continues to be a highly sought after location to live, work, and raise a family, contributing to a population increase of nearly ten percent over the last decade alone; and

WHEREAS, this prosperity is outpacing the ability of the State's transportation system to provide for the necessary mobility of its citizens and visitors; and

WHEREAS, improvements to Tennessee's transportation system are vital to ensure the State's continued economic growth and success of its citizens and businesses; now, therefore,  
**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** This act is known and may be cited as the "Transportation Modernization Act of 2023."

**SECTION 2.** Tennessee Code Annotated, Section 54-1-119, is amended by deleting the section and substituting:

**54-1-119. Design-build and performance-based asset maintenance contracts.**

(a) As used in this section:

(1) "Design-build contract" means:

(A) An agreement that provides for the design and construction of a project under a single contract, which may include, but is not limited to, design, right-of-way acquisition, regulatory permit review and approvals,



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or utility relocation, and the construction, reconstruction, repair, or maintenance of the project; or

(B) An agreement that provides for the design and reconstruction, repair, or maintenance of highway facilities under a single contract, which may include, but is not limited to, design, right-of-way acquisition, regulatory permit review and approvals, or utility relocation services, and the reconstruction, repair, or maintenance of highway facility components along specific roadway corridors or within a geographic area; and

(2) "Performance-based asset maintenance contract" means an agreement, typically long-term, that provides for managing and performing the inspection and reconstruction, repair, or maintenance of multiple highway facility components for specific roadway corridors or within a geographic area, where the contract sets specific performance standards, rather than prescriptive work tasks and deadlines, and may include incentive or disincentive provisions to promote achievement of the desired outcomes. Such contracts may also include third-party damage repair and claim management services, and may also provide for design, right-of-way acquisition, regulatory permit review and approvals, or utility relocation activities. Types of projects not suited for performance-based asset maintenance contracts include, but are not limited to, resurfacing and bridge repair projects.

(b) Notwithstanding another law to the contrary, the department may award design-build contracts and performance-based asset maintenance contracts in accordance with this section.

(c) Selection criteria for a design-build contract or a performance-based asset maintenance contract must include the cost, and may include qualifications, time of completion, innovation, design and construction quality, design innovation, or other technical or quality related criteria, as determined by the department.

(d) The department may award a stipulated fee to design-build firms that submit responsive proposals but are not awarded the design-build contract. The department is not required to award a stipulated fee, but if it elects to award the fee, the amount of the stipend and the terms under which stipends are to be paid must be stated in the request for proposals.

(e) Prior to executing a design-build contract under this section, the commissioner shall send written notice to the chair of the transportation and safety committee of the senate and the chair of the transportation committee of the house of representatives.

(f) If a proposed design-build contract has a total estimated contract amount in excess of one hundred million dollars (\$100,000,000), the department shall specifically identify the project as a design-build project in the transportation improvement program submitted annually to the general assembly in support of the commissioner's annual funding recommendations.

(g) The department may establish agency policy, or the department may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, or both, in furtherance of this part.

SECTION 3. Tennessee Code Annotated, Section 54-1-501, is amended by deleting the ~~section and substituting:~~

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**54-1-501. Use of construction manager/general contractor and progressive design-build services.**

(a) Notwithstanding another law to the contrary, the department is authorized to use the construction manager/general contractor (CM/GC) method and progressive design-build (PDB) method as delivery methods for procuring transportation project services.

(b) The department shall select CM/GC and PDB projects based upon generally accepted industry criteria that include factors such as fostering innovation, mitigating

risk, improving design quality, improving cost control, and optimizing construction schedules.

(c) Types of projects suited for CM/GC and PDB methods include, but are not limited to, instances where the department needs feedback during the design phase due to complex components that require innovation, projects that have public involvement, projects that have third-party considerations such as acquisition of right-of-way or utility relocation issues, or situations where other factors impact the overall schedule. Types of projects not suited for the CM/GC or PDB methods include, but are not limited to, routine maintenance and resurfacing projects or other construction projects that present a low level of technical complexity, a low level of risk management, and simple traffic phasing, and that do not have a compelling need for project acceleration.

SECTION 4. Tennessee Code Annotated, Section 54-1-502(3), is amended by deleting the subdivision and substituting:

(3) "Construction manager/general contractor" or "CM/GC" means a business firm or joint venture, separate from the project designer, that is able to provide pre-construction services during the design and development phase of a transportation project, including, but not limited to, constructability review, scheduling, pricing, and phasing, and is able to construct the project if the department and firm or joint venture agree to a guaranteed maximum price;

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SECTION 5. Tennessee Code Annotated, Section 54-1-502(6), is amended by deleting the subdivision and substituting:

(6) "Guaranteed maximum price" or "GMP" means the total dollar amount within which the CM/GC commits to complete construction of the project, or the PDB commits to complete the final design and construction of the project, including the CM/GC's or PDB's direct costs, overhead, and profit, plus any authorized contingency. The GMP may be supplemented at a later date to cover additional costs arising from changes in the scope of work as the department may subsequently direct in writing;

SECTION 6. Tennessee Code Annotated, Section 54-1-502, is amended by adding the following as new subdivisions:

( ) "Design-builder" means a business firm or joint venture that is able to provide both design and construction services for a transportation project, including, but not limited to, design, right-of-way acquisition, or utility relocation, as well as construction of the project;

( ) "Progressive design-builder" or "PDB" means a design-builder that is able to provide pre-construction services during the preliminary design and development phase of a transportation project, including, but not limited to, constructability review, scheduling, pricing, and phasing, and is able to complete the final design and construct the project if the department and the design-builder agree to a guaranteed maximum price;

( ) "Progressive design-build method" or "PDB method" means a transportation project delivery method in which the department procures a design-builder to provide pre-construction services and may subsequently complete the final design and construct the project, or part of the project, if the department and the design-builder reach agreement on a guaranteed maximum price;

SECTION 7. Tennessee Code Annotated, Section 54-1-503, is amended by deleting the section and substituting:

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**54-1-503. Notice of use of CM/GC or PDB method.**

(a) Prior to executing a contract under this part, the commissioner shall send written notice to the chair of the transportation and safety committee of the senate and the chair of the transportation committee of the house of representatives.

(b) If a proposed CM/GC or PDB contract has a total estimated contract amount in excess of one hundred million dollars (\$100,000,000), the department shall specifically identify the project as a CM/GC or PDB project in the transportation

improvement program submitted annually to the general assembly in support of the commissioner's annual funding recommendations.

SECTION 8. Tennessee Code Annotated, Section 54-1-504(b)(3), is amended by deleting the language "Phase 3 of the process, which may be known as the 'CM/GC Selection-Design Phase,' is as follows:" and substituting "Phase 3 of the process is the evaluation and selection phase, as follows:".

SECTION 9. Tennessee Code Annotated, Section 54-1-504, is amended by inserting the language "or PDB" after "CM/GC" wherever it appears, and by inserting "or PDB's" after "CM/GC's" wherever it appears.

SECTION 10. Tennessee Code Annotated, Section 54-1-504(b)(1), is amended by deleting subdivisions (B) and (C) and substituting:

(B) The selection committee consists of a total of five (5) members, to be appointed by the commissioner as follows:

(i) Three (3) department employees, including at least one (1) employee who is a licensed professional engineer in this state; and

(ii) Two (2) members who are not employees of the department, each of whom must be a resident of this state. At least one (1) of the members must have a minimum of ten (10) years of construction or highway engineering design experience, and at least one (1) of the members must be a licensed professional engineer in this state.

SECTION 11. Tennessee Code Annotated, Section 54-1-504(b)(3), is amended by deleting subdivisions (D) and (E) and substituting:

(D) Upon completion of the evaluation process, each member of the selection committee shall independently review and score the proposals. Each member shall score the proposals pursuant to the scoring matrix that the department provides in the RFP and based on the RFP's evaluation criteria. The scores must be tallied and averaged according to the procedure established in the RFP. Upon completion of the

scoring, the proposals must be ranked in order of the highest aggregate score to the lowest aggregate score. The proposer whose proposal receives the highest aggregate score must be identified as a first-tier proposer. In addition, another proposer whose proposal receives an aggregate score within five percent (5%) of the proposal with the highest aggregate score, where five percent (5%) is measured as a percentage of the highest aggregate score, must also be identified as a first-tier proposer. Notwithstanding another law to the contrary, this subdivision (b)(3)(D) expires on June 30, 2029;

(E) The proposals of the first-tier proposers must be submitted in alphabetical order to the commissioner without an evaluation ranking. The commissioner may select a first-tier proposer, or the commissioner may reject all proposals and proceed with construction of the project through a lawful method for procuring a construction services contract. The department shall send all proposers a written notice of award to the selected proposer, or a written notice that all proposals have been rejected. If the department issues a written notice of award, then the notice must include a copy of the scores from each member of the selection committee for each RFP proposal.

Notwithstanding another law to the contrary, this subdivision (b)(3)(E) expires on June 30, 2029;

SECTION 12. Tennessee Code Annotated, Section 54-1-504(b)(3)(G), is amended by

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inserting the language "or joint venture" after "firm".

SECTION 13. Tennessee Code Annotated, Section 54-1-504(b)(4), is amended by deleting the subdivision and substituting:

(4) Phase 4 of the process is the potential award of the contract phase, as follows:

(A) Once the design has been completed, or has been sufficiently developed to allow the CM/GC or PDB to prepare a proposed GMP for construction, or for final design and construction, of the project, or a part of the

project, the department shall conduct the steps described in subdivision (b)(4)(B) before proceeding with construction or final design and construction;

(B) The department shall:

(i) Prepare and compile the contract plans, specifications, special provisions, or other requirements that will comprise the contract for construction, or final design and construction;

(ii) Prepare a detailed cost estimate to evaluate the appropriate price for construction or final design and construction; and

(iii) If directed by the commissioner, have an independent third-party estimator prepare a detailed cost estimate to confirm the appropriate price for construction or final design and construction;

(C) The department's detailed cost estimate, and a cost estimate prepared by an independent third-party estimator, must not be disclosed to the CM/GC or PDB, and must remain confidential and is not subject to public disclosure under § 10-7-503 or another law until after award of the contract for construction or final design and construction;

(D) The contract must require the CM/GC or PDB to self-perform a portion of the construction work comprising at least thirty percent (30%) of the total cost for construction, excluding specialty items. The cost for pre-construction services must not be considered part of the thirty percent (30%) but may be considered a specialty item;

(E) Based on the contract plans, specifications, special provisions, or other contract terms and conditions compiled by the department, the CM/GC or PDB shall prepare a GMP, including an authorized contingency, for construction or final design and construction. When completed, the CM/GC's or PDB's proposed GMP must be submitted to the department for review. The CM/GC's or



PDB's proposed GMP must otherwise remain confidential and is not subject to public disclosure until after award of the contract;

(F) The department shall compare the CM/GC's or PDB's proposed GMP with the department's own confidential cost estimate, and with a cost estimate prepared by an independent third-party estimator. If the GMP does not exceed the department's estimate, or the independent third-party estimate, by more than ten percent (10%), the commissioner may, but is not required to, award the contract to the CM/GC or PDB;

(G) If the commissioner rejects the proposed GMP, then the department may continue to conduct contract discussions with the CM/GC or PDB to develop an acceptable GMP for the project. Alternatively, the department may direct the CM/GC or PDB to provide additional pre-construction services as needed to assist in the further development of contract plans, terms, or specifications for the purpose of repeating the Phase 4 process established in this subdivision (b)(4); and

(H) If an agreement on the GMP is unable to be reached:

(i) For CM/GC, then the commissioner may proceed with construction of the project through the low bid procurement process; or

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~~(ii) For PDB, then the PDB shall relinquish and assign ownership~~  
of its design work product to the department, the department shall take ownership of and assume liability for the design work product, and the commissioner may:

(a) Employ the PDB's design consultant or another design consultant to complete the final design and proceed with construction of the project through the low bid procurement process; or

(b) Use the PDB's design consultant's work product, or a part of it, to proceed with construction of the project through a design-build procurement process, and, if another design consultant or design-builder completes the final design, the other design consultant or design-builder shall assume responsibility for the final design.

SECTION 14. Tennessee Code Annotated, Section 54-1-505, is amended by inserting the language "or PDB" after "CM/GC" wherever it appears.

SECTION 15. Tennessee Code Annotated, Title 54, Chapter 2, is amended by adding the following as a new part:

**54-2-201. Establishment of transportation modernization fund.**

(a) There is established a fund to be known as the "transportation modernization fund." The fund is a segregated account within the state treasury and includes accounts and subaccounts in the fund.

(b) Notwithstanding another law to the contrary, and subject to appropriation in the general appropriations act, the fund is composed of:

(1) Effective July 1, 2023, a sum of three billion dollars (\$3,000,000,000), to be divided as follows:

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(A) Seven hundred fifty million dollars (\$750,000,000) for projects within region 1 of the department;

(B) Seven hundred fifty million dollars (\$750,000,000) for projects within region 2 of the department;

(C) Seven hundred fifty million dollars (\$750,000,000) for projects within region 3 of the department; and

(D) Seven hundred fifty million dollars (\$750,000,000) for projects within region 4 of the department;

(2) Effective July 1, 2023, a sum of three hundred million dollars (\$300,000,000), to be distributed to local governments as grants, as determined by the commissioner; provided, that a local government shall not use grants distributed from the sum described in this subdivision (b)(2) to supplant other state or local moneys appropriated or allotted for building, maintaining, or improving county roads or bridges;

(3) Other revenues or moneys that the general assembly may appropriate to the fund; and

(4) Other moneys received by the department for the purposes of the fund that are not otherwise allocated to the department by law.

(c) The fund must be administered by the department of transportation and be kept separate and apart from all other funds, including the state highway fund. Any portion of the fund must not be transferred or otherwise diverted to another department or agency of state government and must only be drawn out of the state treasury as provided in this part.

(d) Amounts remaining in the fund at the end of each fiscal year must not revert to the general fund. Moneys in the fund must be invested by the state treasurer pursuant to title 9, chapter 4, part 6, for the sole benefit of the fund, and interest accruing on investments and deposits of the fund must be returned to and remain part of the fund.

(e) The fund may be used for the following purposes:

(1) To fund strategic transportation initiatives, including, but not limited to, congestion mitigation, rural interstate widening, and the accelerated delivery of strategic transportation improvements over and above the transportation improvements program generally supported by the state highway fund;

(2) To respond to a transportation system failure, an imminent threat of a failure, or other emergency as provided in § 54-1-135, which use may be eligible for reimbursement from the federal government; and

(3) Another purpose for which the state highway fund may be lawfully used.

**54-2-202. Annual report to the general assembly.**

(a) Prior to January 1, 2024, and prior to each January 1 thereafter, the department of transportation shall submit a report to the speakers of the senate and the house of representatives, the chair of the transportation and safety committee of the senate, and the chair of the transportation committee of the house of representatives, on the status of projects funded by the transportation modernization fund.

(b) The report must include for each project:

(1) The date on which engineering activities began, or are anticipated to begin, if known;

(2) The date on which right-of-way acquisition activities began, or are anticipated to begin, if known;

(3) The date on which construction activities began, or are anticipated to begin, if known; and

(4) The date on which construction was completed, as applicable.

SECTION 16. Tennessee Code Annotated, Section 54-3-101, is amended by deleting the section.

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SECTION 17. Tennessee Code Annotated, Section 54-3-102, is amended by deleting the section and substituting:

(a) This chapter applies to the operation of user fee facilities on new facilities opened on or after July 1, 2023, and on existing facilities where one (1) or more new vehicle lanes is added to the facility on or after July 1, 2023.

(b) The development of a user fee facility project by or under the authority of the department must be in accordance with the department's long-range statewide transportation plan. The department shall specifically identify a proposed user fee facility or user fee facility project in the transportation improvement program furnished to

the general assembly in support of the commissioner's annual funding recommendations.

(c) Prior to submitting to the general assembly a transportation improvement plan in which a user fee facility project is included, the department shall submit the proposed user fee facility project to the board for approval, as provided in this chapter. Further development of the user fee facility project must not occur until the user fee facility project has been approved by the board and, if applicable, by the general assembly in accordance with this subsection (c). Prior to approval of the project, the board shall provide written notice of the proposed user fee facility project to the speakers of the senate and the house of representatives, the chairs of the finance, ways and means committees of the senate and the house of representatives, the chair of the transportation and safety committee of the senate, and the chair of the transportation committee of the house of representatives. If any state agency proposes to assist in funding the user fee facility project with state or federal-aid funds, then the project is subject to the approval of the general assembly pursuant to the express provisions of the general appropriations act in which the funds must be specifically appropriated by reference to the project.

(d) The development of a user fee facility project by or under the authority of the department must consider alternatives to the project; the economic, social, and environmental effects of the user fee facility project; and the findings of the environmental evaluation process and public comments, including comments from a metropolitan planning organization or rural planning organization, or both, in which the project is located, before developing final construction plans for the user fee facility. If the proposed project involves federal aid funding or constitutes a major federal action, then the department's environmental evaluation process is subject, as applicable, to the federal National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.). If the proposed project does not involve federal aid funding and does not otherwise constitute

a major federal action, then it is subject to environmental evaluation and documentation in accordance with such policies and procedures as the department may establish.

(e) The development of a user fee facility project by or under the authority of the department is subject to public hearings conducted in accordance with such procedures as the department may establish. The department shall hold the public hearings at convenient locations during the environmental evaluation of the project and prior to plans for the user fee facility project being finally adopted.

(f) The environmental evaluation and public hearing requirements of subsections (d) and (e) do not apply to the authorization, sale, or issuance of bonds under this chapter.

SECTION 18. Tennessee Code Annotated, Section 54-3-103, is amended by deleting the section and substituting:

As used in this chapter:

(1) "Ancillary agreements" means contracts or agreements facilitating the issuance and sale of bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating to the contracts or agreements providing for liquidity and credit enhancement;

(2) "Availability payments" means payments by a public entity to a private entity in connection with the development, maintenance, or operation of a user fee facility pursuant to a franchise agreement, concession agreement, or a combination of those agreements;

(3) "Bonds" means bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, warrants, commercial paper, or other obligations or other evidence of indebtedness or evidence of borrowed money issued or entered into by or on behalf of the department to finance user fee facility projects;

(4) "Commissioner" means the commissioner of transportation;

(5) "Concession agreement" means an agreement between a public entity and a private entity, or a consortium of private entities, under which the private entity or consortium accepts responsibility for the design, construction, financing, operation, or maintenance of a user fee facility for a period of years, collects revenues from the user fee facility for that period, and accepts the risk of revenues being sufficient to support the private entity's or consortium's capital, operations, and maintenance costs for the user fee facility;

(6) "Department" means the department of transportation;

(7) "Develop" or "development" means a portion of the process of bringing a user fee facility project to completion, including, but not limited to, planning, feasibility analysis, environmental evaluation, preliminary engineering, design, acquisition of rights-of-way, relocation of utilities, permitting, environmental mitigation, contracting, funding, and construction;

(8) "Facility" means a highway, bridge, tunnel, parking lot or garage, or other paved surface or structure that is designed to carry or contain land transportation vehicles, or another transportation-related facility;

(9) "Franchise agreement" means an agreement between a public entity and a private entity, or a consortium of private entities, under which the private entity or consortium accepts responsibility for the design, construction, operation, or maintenance of a user fee facility for a period of years in exchange for payment from the public entity, which may include, but is not limited to, periodic availability payments from the public entity;

(10) "General purpose lane" means a traffic lane other than a high occupancy vehicle lane or other managed lane that is available for use by motorists without the payment of a user fee;

(11) "Hedging agreements" means interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings, or both, and other interest rate hedging agreements relating to bonds;

(12) "High occupancy user fee lane" means a high occupancy vehicle lane that may be used by an operator of a vehicle carrying fewer than the number of persons specified for the high occupancy vehicle lane if the operator pays a user fee;

(13) "High occupancy vehicle lane" or "HOV lane" has the same meaning as defined in § 55-8-188;

(14) "Managed lane" means a highway lane where operational strategies are proactively implemented and operated in response to changing traffic conditions, including, but not limited to, a user fee lane, high occupancy vehicle lane, or high occupancy user fee lane;

(15) "Open road user fee system" means a system for the collection of user fees via electronic means without the use of physical payment booths;

(16) "Operate" or "operation" means activity associated with the management, operation, and maintenance of a completed user fee project, including, but not limited to, collecting user fees; installing, repairing, or replacing equipment; maintaining, repairing, or improving the user fee facility; paying debt service on bonds, amounts payable under hedging agreements and ancillary agreements and other costs related thereto; paying salaries, benefits, and other costs of employees or employment necessary to the operation of the user fee facility, including the collection of user fees using an open road user fee system or other means and the payment of costs of operation and debt service; contracting or administering contracts related to any such activity; and funding or financing any such activity;

(17) "State funding board" means the state funding board established in § 9-9-101;



(18) "State user fee fund" or "fund" means each separate fund established in this chapter, or all such funds, as the context may require, and includes accounts and subaccounts in the fund or funds;

(19) "Transportation modernization board" or "board" means the board established in this chapter;

(20) "User fee" means a fee or charge for the use of a user fee facility;

(21) "User fee facility" means a facility where the development or operation of the facility is wholly or partially funded with user fees;

(22) "User fee facility development agreement":

(A) Means a contractual agreement between the department and a local governmental entity, other public entity, or a private entity that provides for the development, construction, reconstruction, financing, acquisition, maintenance, or operation of a user fee facility, or a combination thereof; and

(B) Includes, but is not limited to:

(i) Preliminary development agreements;

(ii) Design or construction agreements;

(iii) Operation or maintenance service agreements;

(iv) Franchise agreements, concession agreements, or a

combination of those agreements;

(v) Agreements for the enforcement of user fees; and

(vi) Agreements between the department and a local governmental entity or other public entity to participate jointly in any of the agreements in this subdivision (22)(B);

(23) "User fee facility project" means a capital project involving the development or operation of a user fee facility;

(24) "User fee lane" means a highway lane that may be used by an operator of a vehicle if the operator pays a user fee; and

(25) "User fee revenue" means revenues or moneys received from the collection of user fees; from a lease, concession, franchise, license, or other agreement for the right to operate all or part of a user fee facility or an appurtenant facility; and other revenues or moneys received from the operation of a user fee facility.

SECTION 19. Tennessee Code Annotated, Section 54-3-104, is amended by deleting the section and substituting:

**54-3-104. Development and operation of user fee facility projects – Funding – Setting and collecting user fees.**

(a) The department may develop user fee facility projects and operate user fee facilities as provided in this chapter. The department may expend funds from the state user fee fund, the transportation modernization fund, and other funds, grants, or loans received from or made available by the federal government or another government agency that may be lawfully applied to a user fee facility project.

(b) Subsection (a) applies to:

(1) New transportation facilities constructed on or after July 1, 2023; provided, however, that a new transportation facility must include at least one (1) lane for use without payment of a user fee, and that at least one (1) lane for use without payment of a user fee must be operational in order to assess a user fee on any user fee lane within the transportation facility; and

(2) Existing transportation facilities where one (1) or more new vehicle travel lanes are added to the facility on or after July 1, 2023; provided, however, that the existing number of lanes available for use without payment of a user fee must not be reduced.

(c) The department may, subject to approval of the board, designate one (1) or more lanes of a highway, or portion of a highway, within the state as a user fee facility; provided, however, that such designation must not reduce the existing number of general purpose lanes and lanes available for use without payment of a user fee. In

making such designations, the department, subject to the approval of the board, shall specify the high occupancy requirement or other conditions for use of the lanes, which may include restricting vehicle types and implementing access controls.

(d) To establish a new user fee facility or to add a user fee facility on an existing facility, the department shall submit a proposal to the board. The proposal must include plans, feasibility analyses, and other such information as may be available to describe the proposed project and the need for such project, including:

- (1) Projected traffic on the user fee facility;
- (2) The anticipated amount of the user fee to be charged, or the method for setting variable user fees;
- (3) Projected user fee revenue; and
- (4) If applicable, the proposed use of a franchise agreement, concession agreement, or a combination of those agreements, to design, construct, finance, operate, or maintain the user fee facility.

(e) The department may, subject to approval of the board, set user fees or establish the method for setting variable user fees for the use of managed lanes, subject to resolutions or indentures authorizing bonds. Upon or prior to the issuance of any bonds, and until such time as the bonds are no longer outstanding under the resolution or indenture providing for the issuance of the bonds, the department shall collect, or shall cause to be collected, such user fees and shall revise the user fees from time to time whenever necessary, to produce revenue, together with other moneys that may be available, sufficient to:

- (1) Provide for all costs of the development and operation of the user fee facility project, including reasonable reserves; and
- (2) Pay when due all bonds and interest on the bonds, obligations under hedging agreements and ancillary agreements, and other indebtedness incurred by the state for the payment of which the user fees have been pledged, charged,

or otherwise encumbered, and interest thereon, including reasonable reserves therefor.

(f) A user fee, along with allowable increases, or the method for setting variable user fees on managed lanes, imposed or collected on a user fee facility on a state highway that is the subject of a user fee development agreement must be set in the user fee facility development agreement. The department shall obtain the approval of the board prior to modifying the user fee conditions set forth in the user fee facility development agreement.

(g) By July 1, 2024, and by July 1 annually thereafter, the department shall submit a report to the chairs of the finance, ways, and means committees of the house of representatives and the senate and the chairs of the transportation and safety committee of the senate and transportation committee of the house of representatives on the activities of the department under this chapter.

SECTION 20. Tennessee Code Annotated, Section 54-3-105, is amended as follows:

(1) By deleting "state tollway fund" wherever it appears and substituting instead "state user fee fund";

(2) By deleting "toll revenues" wherever it appears and substituting instead "user fee revenues";

(3) By deleting "tollway projects and toll facility projects" in subdivision (b)(3) and substituting instead "user fee facility projects";

(4) By deleting "tollway or toll facility" in subsection (c) and subdivisions (d)(2) and (3) and substituting instead "user fee facility"; and

(5) By deleting "tollways or toll facilities" in subdivision (d)(1) and substituting instead "user fee facilities".

SECTION 21. Tennessee Code Annotated, Section 54-3-105(c), is amended by inserting "as approved by the board," immediately after "commissioner,".

SECTION 22. Tennessee Code Annotated, Section 54-3-106, is amended by deleting the section and substituting:

**54-3-106. Department contracting authority.**

(a) In addition to other authority to enter into contracts as may be provided by law, the department may enter into user fee facility development agreements and other contracts with private entities, the federal government, or other governmental agencies for the purpose of developing or operating a user fee facility, or a part of a user fee facility, including, but not limited to, the following:

(1) Contracts with private entities using a project delivery method available to the department by law, pursuant to which all or part of the design, right-of-way acquisition, relocation of utilities, and construction of a user fee facility is accomplished by a private entity or entities on behalf of the department;

(2) Service agreements for the operation, or the operation and maintenance, of a user fee facility, or appurtenant facility, which may be procured on the basis of competitive sealed bids or the competitive selection of proposals, including the evaluation of qualifications and cost;

(3) Franchise agreements, concession agreements, or a combination thereof, in accordance with the following conditions:

(A) The department may procure such agreements in a manner consistent with § 54-6-106; except, that the department may, but is not required to, accept or evaluate unsolicited proposals for projects;

(B) The department may refer to § 54-6-110 for guidance on the content of such agreements and to § 54-6-109 for guidance on a preliminary development agreement related to such agreements; and

(C) The confidentiality provisions in § 54-6-107 apply to both solicited and unsolicited proposals received by the department for such agreements; provided, however, that a proposer submitting an unsolicited

proposal must include an executive summary covering the major elements of the proposal and must exclude information from the executive summary that the proposer intends to be kept confidential as proprietary information, as the executive summary is a public record under § 10-7-503, that may be used to solicit competing proposals; and

(4) Agreements with the federal government or other governmental agencies for the purpose of undertaking all or part of a user fee facility project.

(b) With respect to user fee facility development agreements entered into between the department and a private entity, the private entity may be allowed to lease a lane or lanes on the state highway system; provided, however, that the private entity is not allowed to own a lane or lanes on the state highway system.

(c) A contract or agreement must not be entered into for the operation of a user fee facility with a person or entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control.

SECTION 23. Tennessee Code Annotated, Section 54-3-107, is amended by deleting the section and substituting:

**54-3-107. User fees and other restrictions.**

The commissioner may, subject to the approval of the board, establish user fees, vehicle restrictions, and other fees or restrictions applicable to the operation of user fee facilities as provided in this chapter. The commissioner may enforce fees or restrictions pursuant to this chapter.

SECTION 24. Tennessee Code Annotated, Section 54-3-108, is amended by deleting the section and substituting:

**54-3-108. Traffic laws - Failure to pay user fee.**

(a) The traffic laws of this state, including the applicable traffic laws of a municipality through which a user fee facility passes, and user fees and use restrictions established by the commissioner, govern the use of a user fee facility authorized under

this chapter. State and local law enforcement authorities may enforce the traffic laws and use restrictions.

(b) Except as provided in subsection (c), the operator of a vehicle that is driven through a user fee facility shall pay the user fee as established under this chapter.

(c) The following vehicles are exempt from payment of a user fee:

(1) Law enforcement or other authorized emergency vehicles as defined by § 55-8-101, regardless of whether the vehicle is responding to an emergency or displaying a flashing light;

(2) Multiple-passenger vehicles operated by a public transit authority;  
and

(3) On a high occupancy user fee lane, vehicles that have been authorized to use an HOV lane free of charge during the time period specified for HOV use.

(d) The department may, subject to approval of the board, prohibit certain classes of vehicles from operating in a user fee facility through the posting of appropriate signage, wherever the department determines, on the basis of an engineering and traffic investigation that the presence of those vehicles impairs the safe or efficient operation of the user fee facility.

(e) A person who uses a user fee facility and fails to pay the user fee within ninety (90) days of the person's notice of nonpayment under § 54-3-114, or a person who operates a prohibited vehicle on a user fee facility, commits a Class C misdemeanor and is subject to a fine of not more than fifty dollars (\$50.00).

SECTION 25. Tennessee Code Annotated, Section 54-3-109, is amended as follows:

(1) By deleting "tollway projects and toll facility projects" in subsection (a) and subdivisions (n)(6) and (7) and substituting instead "user fee facility projects";

(2) By deleting "tollway projects or toll facility projects" in subsection (l) and subdivision (n)(5) and substituting instead "user fee facility projects";

(3) By deleting "state tollway fund" wherever it appears in subsections (c), (j), and (o) and subdivisions (n)(1) and (11) and substituting instead "state user fee fund";

(4) By deleting "toll revenues" wherever it appears in subdivisions (n)(1) and (5) and subsection (o) and substituting instead "user fee revenues"; and

(5) By deleting "tolls" in subdivision (n)(2) and subsection (o) and substituting instead "user fees".

SECTION 26. Tennessee Code Annotated, Section 54-3-109(a), is amended by inserting the language ", subject to approval of the board" following "commissioner" immediately preceding the period.

SECTION 27. Tennessee Code Annotated, Section 54-3-110, is amended by deleting the language "tollway" and "toll" wherever they appear and substituting "user fee".

SECTION 28. Tennessee Code Annotated, Section 54-3-113, is amended by deleting the section and substituting instead:

**54-3-113. Transportation modernization board.**

(a) There is established the transportation modernization board. The board consists of five (5) voting members as follows:

(1) One (1) member to be appointed by the governor;

(2) One (1) member to be appointed by the speaker of the house of representatives;

(3) One (1) member to be appointed by the speaker of the senate;

(4) The governor, ex officio, or the governor's designee; and

(5) The commissioner of transportation, ex officio, or the commissioner's designee.

(b) The terms for the initial board members who do not serve ex officio begin on October 1, 2023, and must be staggered as follows:

(1) The member appointed pursuant to subdivision (a)(1) shall serve an initial term of six (6) years;



(2) The member appointed pursuant to subdivision (a)(2) shall serve an initial term of five (5) years; and

(3) The member appointed pursuant to subdivision (a)(3) shall serve an initial term of four (4) years.

(c) Following the terms for initial board members as provided in subsection (b), the term for a board member who does not serve ex officio is four (4) years. A board member who does not serve ex officio is eligible for reappointment and may serve a maximum of two (2) full terms; provided, however, that an appointment to fill an unexpired term as a result of a vacancy does not count toward the term limit. At the expiration of a board member's term, the member may continue to serve until a successor is appointed or until the member is reappointed.

(d) Three (3) board members constitute a quorum for the transaction of business. If a quorum is present, a vacancy on the board does not prevent the board from transacting business or otherwise taking an action authorized pursuant to this chapter.

(e) The commissioner of transportation or the commissioner's designee shall serve as chair. The board shall meet at the call of the chair. The board may elect other officers as the board deems appropriate.

(f) The department shall provide administrative support to the board.

(g) The board may exercise the powers and duties necessary to implement this chapter.

SECTION 29. Tennessee Code Annotated, Title 54, Chapter 3, Part 1, is amended by adding the following as a new section:

**54-3-114. Enforcement of nonpayment.**

(a) The operator of a vehicle that is driven through a user fee facility without payment of the user fee commits a violation of § 54-3-108(e) subject to enforcement

under this section. Each event of nonpayment is a separate violation. This subsection (a) does not apply to an operator of a vehicle exempt under § 54-3-108(c).

(b) The department or the department's contractor shall place signs on, or in advance of, a user fee facility that provide drivers with the following information:

(1) Notice that the driver is approaching a facility for which a user fee is required, with signs providing this information placed in advance of the location where the user fee is required;

(2) The methods by which the user fee may be paid; and

(3) If applicable, directions to the nearby user fee collection facility that accepts cash payment of the user fee.

(c) In the event of nonpayment of the user fee as required by subsection (a), and on the issuance of written notice of nonpayment by the department or its contractor, the registered owner of the vehicle is liable for the payment of the required user fee and any applicable administrative fee established under subsection (d).

(d) The department, subject to approval of the board, shall establish administrative fees for the collection of unpaid user fees and shall establish procedures for the collection of unpaid user fees and applicable administrative fees.

(e) It is an exception to the application of subsection (a) that the registered owner of the vehicle was a lessor of the vehicle at the time the user fee was incurred. Within thirty (30) days of the department or contractor mailing notice of nonpayment to the registered owner, the registered owner shall provide to the department or its contractor a copy of the rental, lease, or other contract, with the name and address of the lessee at the time the user fee was incurred clearly legible. If the lessor provides the required information under this subsection (e), the department or the department's contractor may send a notice of nonpayment to the lessee at the address provided by the lessor within thirty (30) days of receipt of the required information from the lessor and shall follow the procedures established under subsection (d). A lessee who is mailed a

written notice of nonpayment is liable for payment of the user fee and any applicable administrative fee.

(f) It is an exception to the application of subsection (a) that the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under subsection (a) occurred and if within thirty (30) days after the date the department or the department's contractor mailed the notice of nonpayment, the registered owner provides to the department or its contractor the name and address of the person to whom the vehicle was transferred. If the former owner provides the required information under this subsection (f), the department or the department's contractor may send a notice of nonpayment to the subsequent owner at the address provided by the former owner within thirty (30) days of receipt of the required information from the former owner and shall follow the procedures established under subsection (d). A subsequent owner who is mailed a written notice of nonpayment is liable for payment of the user fee and any applicable administrative fee.

(g) The department or the department's contractor have sufficient proof of nonpayment under this section upon:

(1) Proof that a vehicle was driven through a user fee collection facility without payment of the user fee, which may include, but is not limited to, testimony of a law enforcement officer, or evidence obtained through the use of an open road user fee system installed by the department or its contractor; and

(2) Proof that the person was the registered owner, lessee, or subsequent owner, which may include, but is not limited to, records of the department of revenue or the analogous department of another state or country, or information provided under subsection (e) or (f).

(h) It is an exception to the application of subsection (a) that the vehicle was stolen before the event of nonpayment under subsection (a) occurred; provided, that the

theft was reported to the appropriate law enforcement authority before the earlier of the occurrence of nonpayment, or eight (8) hours after the discovery of the theft.

(i) Notwithstanding § 55-8-198, the department or the department's contractor may use an open road user fee system to monitor use of a user fee facility and collect payment under this section.

(j)

(1) A registered owner who commits three (3) or more violations of this section within the same twelve-month time period may be determined to be a habitual violator and may be subject to suspension or non-renewal of the registered owner's vehicle registration.

(2) No later than January 1, 2025, the department, subject to approval of the board, shall establish:

(A) The criteria for a determination by the department or the department's contractor that a registered owner is a habitual violator; and

(B) The process for the department or the department's contractor to notify the department of revenue of the determination that a registered owner is a habitual violator.

(3) The department shall notify the department of revenue upon the establishment of the criteria and process required by subdivision (j)(2).

(4) No later than eighteen (18) months following the department's notification of the establishment of criteria under subdivision (j)(2), the department of revenue shall promulgate rules to establish a process for suspending or non-renewing a habitual violator's vehicle registration. The rules must include, but are not limited to, a process for providing at least sixty (60) days' written notice to the registered owner of the department of revenue's intention to suspend or non-renew the registered owner's vehicle registration, which notice must include the reason for the proposed suspension or non-

renewal, an explanation of the process for a registered owner to challenge the suspension or non-renewal, which must include an opportunity for a hearing, the process by which the registered owner can avoid the suspension or non-renewal of the registered owner's vehicle registration through the payment of unpaid user fees and any applicable administrative fee, and the imposition of any administrative fees necessary to cover the department of revenue's cost in administering this section.

(k) This state may enter reciprocity agreements with other government entities or other toll authorities for the purpose of collecting user fees and any applicable administrative fees from non-Tennessee residents for violations of this section.

SECTION 30. Tennessee Code Annotated, Title 54, Chapter 3, Part 1, is amended by adding the following as a new section:

**54-3-115. Proprietary records.**

(a) Personal information or highly restricted personal information obtained in connection with a motor vehicle record, and thereafter obtained by the department or the department's contractor in connection with the collection of and enforcement of user fees on a user fee facility, is subject to disclosure limitations established in the federal Driver's Privacy Protection Act (18 U.S.C. § 2721) and the Uniform Motor Vehicle Records Disclosure Act, compiled in title 55, chapter 25, and must remain confidential as required by such federal and state laws and not be open for public inspection under title 10, chapter 7, nor discoverable in legal proceedings.

(b) Financial information, transaction history, and information generated by an open road user fee system on a user fee facility related to the collection of a user fee from a person, and which has been obtained by the department or the department's contractor for the purposes of collecting and enforcing user fees on a user fee facility must remain confidential and not be open for public inspection under § 10-7-503 or another law. The department or the department's contractor may use the account

information only for purposes of collecting and enforcing user fees. Notwithstanding another law to the contrary, this information is not open to public inspection under § 10-7-503 or another law; provided, however, that the user fee facility account holder may examine the account holder's own account information, and a third party by authority of a proper court order may inspect and examine confidential account information.

(c) Proposals received by the department for franchise agreements, concession agreements, or some combination of those agreements, related to the design, construction, financing, operation, or maintenance of user fee facilities, and documents used by the department to evaluate and accept or reject such proposals, must remain confidential, not be subject to disclosure to another proposer, and not be open for public inspection pursuant to § 10-7-503 or another law until after the department has selected a proposal and awarded a contract. Proprietary information contained in a proposal for such an agreement, whether a solicited or unsolicited proposal, must remain confidential, not be subject to disclosure to another proposer, and not be open for public inspection pursuant to § 10-7-503 or another law, as provided in § 54-6-107. For purposes of this subsection (c), "proprietary" has the same meaning as defined in § 54-6-102.

SECTION 31. Tennessee Code Annotated, Title 54, Chapter 1, is amended by adding the following as a new part:

**54-1-601. Part definitions.**

As used in this part, "alternative delivery contracts" means:

- (1) Design-build contracts, as defined in § 54-1-119(a)(1);
- (2) Contracts using the construction manager/general contractor method, as defined in § 54-1-502; and
- (3) Contracts using the progressive design-build method, as defined in § 54-1-502.

**54-1-602. Limitation on number of alternative delivery contracts per fiscal year.**

(a) The department shall not procure more than twenty-eight (28) alternative delivery contracts per fiscal year.

(b) Subsection (a) only applies to projects funded by the state highway fund and does not apply to projects funded by the transportation modernization fund, discretionary funds, or federal grant program funds.

SECTION 32. Tennessee Code Annotated, Section 55-4-116, is amended by deleting the section and substituting:

(a) Beginning January 1, 2024, in addition to all other motor vehicle registration fees prescribed by law, there must be paid to the department at the time the vehicle registration is renewed an additional registration fee according to the following schedule, or in such other amount as adjusted pursuant to subsections (b) and (d):

(1) For all-electric vehicles:

(A) On or after January 1, 2024, and prior to January 1, 2027, two hundred dollars (\$200); and

(B) On or after January 1, 2027, and prior to January 1, 2028, two hundred seventy-four dollars (\$274);

(C) On or after January 1, 2028, and each subsequent year, two hundred seventy-four dollars (\$274), adjusted by an amount each year to reflect the effect of annual inflation or deflation as calculated pursuant to subsection (b).

(2) For hybrid electric vehicles and plug-in hybrid electric vehicles:

(A) On or after January 1, 2024, and prior to January 1, 2028, one hundred dollars (\$100); and

(B) On or after January 1, 2028, and each subsequent year, one hundred dollars (\$100), adjusted by an amount each year to reflect the effect of annual inflation or deflation as calculated pursuant to subsection (b).

(b)

(1) On January 1, 2028, and on January 1 of each subsequent year, for the registration fees assessed pursuant to subdivisions (a)(1)(C) and (a)(2)(B), the department shall adjust the amount of the fee to reflect the effect of annual inflation or deflation for the cost of living that consumers in this state experienced on average during the immediately preceding fiscal year, as follows:

(A) If, based upon the chained consumer price index for all urban consumers rate published by the United States department of labor, bureau of labor statistics or another similar index established by the federal government for June of the previous year, the department determines that this federal index reflects the effect of inflation and deflation for the cost of living that consumers in this state experienced on average during the preceding fiscal year, and if the rate is less than three percent (3%), then the department shall adjust the amount of the fee by that rate; and

(B) If, based upon the chained consumer price index for all urban consumers rate published by the United States department of labor, bureau of labor statistics or another similar index established by the federal government for June of the previous year, the department determines that this federal index reflects the effect of inflation and deflation for the cost of living that consumers in this state experienced on average during the preceding fiscal year, and the rate is equal to or more than three percent (3%), then the department shall adjust the amount of the fee by three percent (3%).

(2) The adjustment made pursuant to subdivision (b)(1) must be rounded up to the nearest whole dollar figure. The department shall publish each adjusted registration fee amount on its website.



(c) Notwithstanding § 55-6-107 or another law to the contrary, the proceeds of the additional registration fees established in this section must be apportioned as follows:

- (1) Sixty-three and four-tenths percent (63.4%) to the state highway fund;
- (2) Eleven and eight-tenths percent (11.8%) to municipalities, as defined in § 54-4-201, on the basis set out in § 54-4-203;
- (3) Twenty-two percent (22%) to counties on the basis set out in § 54-4-103; and
- (4) Two and eight-tenths percent (2.8%) to the general fund.

(d)

(1) Notwithstanding another law to the contrary, beginning on January 1, 2027, if the federal government implements any taxes or fees on all-electric vehicles under title 26 of the United States Code and allocates those taxes or fees pursuant to chapter 98 of title 26 to the federal highway trust fund (26 U.S.C. § 9503), then the additional registration fee for all-electric vehicles assessed in subdivision (a)(1) also must be adjusted pursuant to this subsection (d) so as to account for the tax or fee assessed by the federal government.

(2) An adjustment in the additional registration fee pursuant to this subsection (d) becomes effective beginning January 1 of the calendar year following the implementation of the federal tax or fee on all-electric vehicles.

(3) The department shall adjust the additional registration fee on all-electric vehicles by subtracting the sum of federal tax or fee from the sum of the additional registration fee at the time of the adjustment.

(4) Notwithstanding the sum of the taxes or fees imposed by the federal government, the department's adjustment of the additional registration fee must not result in an additional registration fee for all-electric vehicles of less than two

hundred dollars (\$200), adjusted for inflation pursuant to subsection (b), on or after January 1, 2028.

(5) If the federal government elects to decrease any or all taxes or fees on all-electric vehicles imposed by title 26 of the United States Code and allocated by chapter 98 of title 26 to the federal highway trust fund after it has implemented the taxes or fees, then the additional registration fee must be increased by an amount equal to the amount of the decrease by the federal government.

(e) As used in this section:

(1) "All-electric vehicle":

(A) Means a passenger or commercial motor vehicle with an electric motor as its sole means of propulsion; and

(B) Does not include a low speed vehicle or a medium speed vehicle;

(2) "Hybrid electric vehicle":

(A) Means a vehicle that is primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electric current and also operates on, or is capable of operating on, a nonelectrical source of power; and

(B) Does not include a low speed vehicle or a medium speed vehicle; and

(3) "Plug-in hybrid electric vehicle":

(A) Means a vehicle that can use batteries to power an electric motor and use another fuel, such as gasoline or diesel, to power an internal combustion engine or other propulsion source, and that may use electricity from the grid to run the vehicle some or all of the time; and

(B) Does not include a low speed vehicle or a medium speed vehicle.

SECTION 33. Tennessee Code Annotated, Section 55-6-107(a)(1), is amended by deleting the language "The proceeds" and substituting instead "Except as otherwise provided in § 55-4-116(c), the proceeds".

SECTION 34. Tennessee Code Annotated, Section 55-8-188, is amended by deleting the section and substituting:

(a) As used in this section:

(1) "Emergency vehicle" means a vehicle of a governmental department or public service corporation when responding to an emergency, a vehicle of a police or fire department, or an ambulance;

(2) "High occupancy vehicle" means a public transportation vehicle; privately owned bus; motorcycle; private passenger motor vehicle, including vans and pick-up trucks, carrying no fewer than two (2) passengers; or as otherwise determined by the commissioner of transportation; and

(3) "HOV lane" means a lane or set of lanes on a highway facility of any class, so designated by signing, pavement delineation or markings, or other means of positive guidance, that is reserved for the exclusive use of high occupancy vehicles during specified hours of specified days of the week, in order to provide preferential service over traditional, mixed vehicles on that remaining part of the same highway facility.

(b) Drivers shall obey the directions of every official traffic control device that is erected or placed to restrict usage of a lane designated for high occupancy vehicles.

(c) Operation of a vehicle other than a high occupancy vehicle in an HOV lane is an offense. Drivers of emergency vehicles are exempt from this subsection (c).

(d) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine, not to exceed fifty dollars (\$50.00), and court costs, not to exceed

ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State or local litigation taxes are not applicable to a case prosecuted under this section.

SECTION 35. Tennessee Code Annotated, Section 12-2-112(a)(8)(A), is amended by deleting the language "seventy-five thousand dollars (\$75,000)" wherever it appears and substituting "two hundred fifty thousand dollars (\$250,000)".

SECTION 36. Tennessee Code Annotated, Section 12-2-112(a)(8)(C), is amended by deleting the language "ten thousand dollars (\$10,000)" wherever it appears and substituting "twenty-five thousand dollars (\$25,000)".

SECTION 37. Tennessee Code Annotated, Section 4-29-246(a), is amended by adding the following as a new subdivision:

( ) Transportation modernization board, created by § 54-3-113;

SECTION 38. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 39. If any provision of this act, or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 40. This act takes effect upon becoming a law, the public welfare requiring it.

SUB 3/15

Amendment No. \_\_\_\_\_

*Willie L. L. L.*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 279\***

**House Bill No. 327**

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

SECTION 1. Tennessee Code Annotated, Section 4-32-103(e), is amended by deleting the subsection and substituting:

(e) A state employee shall not receive compensation from funds received by the nonprofit partner pursuant to subsection (d).

SECTION 2. Tennessee Code Annotated, Section 4-32-104(a), is amended by deleting the subsection.

SECTION 3. This act takes 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. 142**

**House Bill No. 137\***

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

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-103(b)(1), is amended by deleting the following language:

To promote the state's official travel planning website, all registration plates which are created after July 1, 2010, other than registration plates issued under part 2 or part 3 of this chapter, shall also include the language "www.tnvacation.com" or the domain name of any subsequent official website used by the department of tourist development.

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-103, is amended by deleting subsection (k) and adding the following as a new subdivision (b)(5):

(A) An owner or lessee of a motor vehicle who has been issued, or is entitled under this chapter to be issued, a registration plate pursuant to this section, shall receive a registration plate that is designed in a manner to have engraved or embossed on it the national motto language "In God We Trust", which must be located immediately above and parallel to the area for the display of the county.

(B) Notwithstanding subdivision (b)(5)(A), an owner or lessee may elect in the alternative for the issuance of a registration plate without the national motto language.

(C) Prior to issuing a registration plate, the county clerk shall inquire of the owner or lessee which registration plate the owner or lessee would like to be issued. If no preference is indicated, then the owner or lessee shall be issued a registration plate with the national motto language by default.



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SECTION \_\_\_\_\_. Beginning January 1, 2024, the commissioner of revenue shall ensure that registration plates issued pursuant to Tennessee Code Annotated, Section 55-4-103, must no longer include the language "www.tnvacation.com" and that the national motto language "In God We Trust" must be located on the registration plates immediately above and parallel to the area for the display of the county and in the same font size as the previously included language "www.tnvacation.com". The commissioner shall ensure that a sufficient number of registration plates without the national motto language are available to be issued in addition to those with the language.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 142**

**House Bill No. 137\***

by adding the following language as a new subdivision (4) to § 55-4-310(c) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the River Life new specialty earmarked license plate authorized pursuant to this subsection (c) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

**AND FURTHER AMEND** by adding the following language as a new subdivision (4) to § 55-4-342(b) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Respiratory Therapists new specialty earmarked license plate authorized pursuant to this subsection (b) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

**AND FURTHER AMEND** by adding the following language as a new subdivision (4) to § 55-4-321(c) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Honoring Law Enforcement new specialty earmarked license plate authorized pursuant to this subsection (c) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

**AND FURTHER AMEND** by inserting the following language as a new subdivision to § 55-4-350(b) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the I RECYCLE new specialty earmarked license plate authorized pursuant to this subsection (b) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).



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**AND FURTHER AMEND** by deleting the language "July 1, 2023" in subdivision (5) of the amendatory language in § 55-4-341(d) of Section 1 and substituting instead the language "July 1, 2024".

**AND FURTHER AMEND** by adding the following language as a new subdivision to § 55-4-312(b) in Section 1:

(4) Notwithstanding § 55-4-202(k)(1), the Bays Mountain new specialty earmarked license plate authorized pursuant to this subsection (b) has until July 1, 2024, to meet the applicable minimum issuance requirements of § 55-4-202(k)(1).

**AND FURTHER AMEND** by adding the following as new, appropriately designated subsections to § 55-4-344 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Lupus Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Lupus Foundation of America, Inc.

(3) The funds produced from the sale of Lupus Foundation new specialty earmarked license plates must be allocated to Lupus Foundation of America, Inc., in accordance with § 55-4-301. The funds must be used exclusively in Tennessee to improve the quality of life for Tennessee residents affected by lupus through programs of research, education, support, and advocacy.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Crusade Against Darkness new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Middle Tennessee Lions Sight Service, Inc.

(3)

(A) Subject to the requirements of § 55-4-202, the commissioner is authorized and shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Crusade Against Darkness new specialty earmarked license plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-204 prior to the issuance of the plate.

(B) The motorcycle plates authorized by this subsection ( ) must be substantially the same in design and configuration, allowing for variations due to size restrictions, as the regular motor vehicle registration plates authorized by § 55-4-203(c)(7), as applicable.

(4) The funds produced from the sale of Crusade Against Darkness new specialty earmarked license plates must be allocated to Middle Tennessee Lions Sight Service, Inc., in accordance with § 55-4-301. The funds must be used exclusively in furtherance of the organization's activities in this state and its mission to help save eyesight for residents of Middle Tennessee in need.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Wilder Reign new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Wilder Reign.

(3) The funds produced from the sale of Wilder Reign new specialty earmarked license plates must be allocated to Wilder Reign in accordance with § 55-4-301. The funds must be used exclusively to provide supportive resources to individuals impacted by major medical, mental health, and terminal illnesses.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued a Sickle Cell Foundation new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative from the Sickle Cell Foundation of Tennessee.

(3) The funds produced from the sale of the Sickle Cell Foundation new specialty earmarked license plates must be allocated to the Sickle Cell Foundation of Tennessee in accordance with § 55-4-301. The funds must be

used exclusively to provide educational awareness, comprehensive social services, and collective supportive impact to all persons affected by Sickle Cell Disease within service areas in Tennessee.

**AND FURTHER AMEND** by adding the following as new, appropriately designated subsections to § 55-4-345 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Stronger Than My Father new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Stronger Than My Father, Inc.

(3) The funds produced from the sale of Stronger Than My Father new specialty earmarked license plates must be allocated to Stronger Than My Father, Inc., in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to provide before- and after-school programs for youth and family community and mentoring programs.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Special Olympics new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative of Special Olympics Tennessee.

(3) The funds produced from the sale of Special Olympics new specialty earmarked license plates must be allocated to Special Olympics Tennessee in accordance with § 55-4-301. The funds must be used exclusively to promote young athletes' programs in this state for members.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Tennessee Councils of the Boy Scouts of America new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must contain the official logo or other design representative of the Boy Scouts of America. The plates must be designed in consultation with the Tennessee Councils of the Boy Scouts of America.

(3)

(A) The funds produced from the sale of Tennessee Councils of the Boy Scouts of America new specialty earmarked license plates must be allocated to the Middle Tennessee Council, Inc., Boy Scouts of America in accordance with § 55-4-301.

(B) The funds allocated pursuant to subdivision ( ) (3)(A) must be distributed to each of the six (6) Tennessee Councils of the Boy Scouts of America in proportion to the number of new specialty earmarked license plates authorized by this subsection ( ) that are sold in the counties that

comprise each council, which are known as Cherokee Area Council, Chattanooga; Chickasaw Council, Memphis; Great Smoky Mountain Council, Knoxville; Middle Tennessee Council, Nashville; Sequoyah Council, Johnson City; and West Tennessee Area Council, Jackson.

(C) The funds must be used exclusively to fund and support scouting programs and activities in this state.

(D) Prior to initial issuance of new specialty earmarked license plates authorized by this subsection ( ), each council of the Tennessee Councils of the Boy Scouts of America shall notify the department of each county comprising that council.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued a Child Development Services of Murfreesboro new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative from Child Development Services of Murfreesboro, Inc.

(3) The funds produced from the sale of Child Development Services of Murfreesboro new specialty earmarked license plates must be allocated to the Child Development Services of Murfreesboro, Inc., in accordance with § 55-4-301. The funds must be used exclusively to provide educational programs and supportive services for children and young adults with disabilities.

**AND FURTHER AMEND** by adding the following as new, appropriately designated subsections to § 55-4-320 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued A Soldier's Child new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be of an appropriate design representative of A Soldier's Child Foundation and be designed in consultation with a representative of A Soldier's Child Foundation.

(3) The funds produced from the sale of A Soldier's Child new specialty earmarked license plates must be allocated to A Soldier's Child Foundation in accordance with § 55-4-301. The funds must be used exclusively to support the organization's programs and activities in this state, including serving the children of United States military personnel who have lost their lives while on active duty.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued an Honor the Fallen new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Memories of Honor.

(3) The funds produced from the sale of Honor the Fallen new specialty earmarked license plates must be allocated to Memories of Honor in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission to honor fallen military and the families left behind through athletics, entertainment, and special events to help provide a healthy and active outlet for depression, grief, post-traumatic stress disorder, and survivor's remorse.

**AND FURTHER AMEND** by redesignating the existing subsections (a)-(c) in § 55-4-335 as subdivisions (a)(1)-(3) in the amendatory language of Section 1 and adding the following as new, appropriately designated subsections:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Robotics in Education new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Tennessee Valley Robotics.

(3) The funds produced from the sale of Robotics in Education new specialty earmarked license plates must be allocated to Tennessee Valley Robotics in accordance with § 55-4-301. The funds must be used exclusively to support robotics in K-12 education through the purchase of robotics equipment for schools in this state.

( )



(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided in § 55-4-204, shall be issued an Elizabethton Cyclones new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative from Elizabethton City Schools and the Elizabethton High School Alumni Association, Inc.

(3) The funds produced from the sale of the Elizabethton Cyclones new specialty earmarked license plates must be allocated to the Elizabethton High School Alumni Association, Inc., in accordance with § 55-4-301. The funds must be used exclusively to support educational needs of students, including the funding of scholarships.

**AND FURTHER AMEND** by deleting the amendatory language "**Historic cities and counties.**" from the heading of § 55-4-314 in Section 1 and substituting instead "**Cities and counties.**".

**AND FURTHER AMEND** by adding the following as new, appropriately designated subsections to § 55-4-314 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Wilson County The Place to Be new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative from the county government of Wilson County.

(3) The funds produced from the sale of the new specialty earmarked license plates must be allocated to Wilson Rides, Inc., in accordance with § 55-4-301, to be used exclusively in this state for ride scheduling and volunteer scheduling services.

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Historic Jonesborough new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be of an appropriate design representative of historic Jonesborough, Washington County, Tennessee. The plates must be designed in consultation with representatives of the Heritage Alliance of Northeast Tennessee and Southwest Virginia and the Jonesborough Genealogical Society.

(3) The funds produced from the sale of Historic Jonesborough new specialty earmarked license plates must be allocated to the Heritage Alliance of Northeast Tennessee and Southwest Virginia in accordance with § 55-4-301. The funds must be used exclusively to promote and assist tourism and the preservation of history in the Town of Jonesborough and surrounding community.

**AND FURTHER AMEND** by adding the following as a new, appropriately designated subsection to § 55-4-331 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Nashville SC new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must contain an appropriate logo or design representative of Nashville SC and be designed in consultation with a representative of Nashville Soccer Club LLC and the Nashville SC Community Fund, a component of the Community Foundation of Middle Tennessee.

(3) The funds produced from the sale of Nashville SC new specialty earmarked license plates must be allocated to the Nashville SC Community Fund, a component of the Community Foundation of Middle Tennessee in accordance with § 55-4-301. The funds must be used exclusively to support and enhance communities in this state served by Major League Soccer and Nashville SC.

**AND FURTHER AMEND** by adding the following as a new, appropriately designated subsection to § 55-4-352 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Look Twice Save a Life new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of Bikers & Social Clubs 4 Change.

(3)

(A) Subject to the requirements of § 55-4-202, the commissioner shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Look Twice Save a Life new specialty earmarked license plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-204 prior to the issuance of the plate.

(B) The motorcycle plates authorized by this subsection ( ) must be substantially the same in design and configuration, allowing for variations due to size restrictions, as the regular motor vehicle registration plates authorized by § 55-4-203(c)(7), as applicable.

(4) The funds produced from the sale of Look Twice Save a Life new specialty earmarked license plates must be allocated to Bikers & Social Clubs 4 Change in accordance with § 55-4-301. The funds must be used exclusively in furtherance of the organization's activities in this state and its mission for continued public safety and education on motorcycle awareness.

**AND FURTHER AMEND** by adding the following as a new, appropriately designated subsection to § 55-4-323 in Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or alumna member of Kappa Delta Sorority, upon complying with state motor vehicle laws relating to registration and

licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a Kappa Delta Sorority new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c). The application for this plate must be accompanied by proof satisfactory to the commissioner, certifying the applicant to be a member or alumna member of Kappa Delta Sorority, and include the member's initiating chapter name, initiating university name, and member number.

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with the executive director and director of communications of Kappa Delta Sorority and contain the colors, logos, and other emblem or design distinctive to Kappa Delta Sorority.

(3) The funds produced from the sale of Kappa Delta Sorority new specialty earmarked license plates must be allocated to Kappa Delta Sorority National Headquarters in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission and operations, including professional and personal development programs, educational programming for collegiate chapters, the biennial national convention, recruitment and chapter extension efforts, marketing to potential new members, communications with current members, training of volunteers, technology advancements, operating fees, and the care and preservation of Kappa Delta Sorority archives.

**AND FURTHER AMEND** by redesignating the existing subsections (a)-(c) in § 55-4-333 of Section 1 as subdivisions (a)(1)-(3) and adding the following as a new, appropriately designated subsection:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and

licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a University of North Carolina new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must contain an appropriate logo or design representative of the University of North Carolina and be designed in consultation with a representative of the University of North Carolina and the UNC General Alumni Association.

(3) The funds produced from the sale of the University of North Carolina new specialty earmarked license plates must be allocated to the UNC General Alumni Association in accordance with § 55-4-301. The funds must be used exclusively in this state for alumni support programs and activities.

**AND FURTHER AMEND** by inserting the following as a new, appropriately designated subsection in § 55-4-312 of Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a The Volunteer State new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked license plates provided for in this subsection ( ) must be designed in consultation with a representative of the Rocky Mount Historical Association.

(3) The funds produced from the sale of The Volunteer State new specialty earmarked license plates must be allocated to the Rocky Mount

Historical Association in accordance with § 55-4-301. The funds must be used exclusively to provide educational and community outreach programs focused upon the history of the Rocky Mount State Historic site and the customs, values, and practices of the early settlers of Tennessee.

**AND FURTHER AMEND** by inserting the following as a new, appropriately designated subsection in § 55-4-304 of Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Fighting for the Bullys new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative of Fighting for the Bullys Pit Bull Rescue.

(3) The funds produced from the sale of Fighting for the Bullys new specialty earmarked license plates must be allocated to Fighting for the Bullys Pit Bull Rescue in accordance with § 55-4-301. The funds must be used exclusively to support the organization's mission to rescue and save bully breeds located in animal shelters in this state and find them a loving foster family.

**AND FURTHER AMEND** by redesignating the existing subsections (a)-(c) in § 55-4-330 in Section 1 as subdivisions (a)(1)-(3) and adding the following as a new, appropriately designated subsection:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and

licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Golfer new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The Golfer new specialty earmarked license plate must be designed in consultation with a representative of 2nd Century Foundation.

(3) The funds produced from the sale of Golfer new specialty earmarked license plates must be allocated to 2nd Century Foundation in accordance with § 55-4-301. The funds must be used exclusively to preserve the property, facilities, and tradition of the nationally recognized Johnson City Golf and Country Club in Johnson City, Tennessee.

**AND FURTHER AMEND** by deleting the language "**55-4-324 – 55-4-329. [Reserved.]**" in the amendatory language of SECTION 1, substituting instead the language "**55-4-325 – 55-4-329. [Reserved]**", and adding the following as a new section:

**55-4-324. Service organizations.**

(a)

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Promote Peace new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection (a) must contain the official Rotary Peace logo or other design representative of Rotary International. The plates must be designed in consultation with a representative of Rotary International.



(3) The funds produced from the sale of Promote Peace new specialty earmarked license plates must be allocated to Rotary Club of Madison-Goodlettsville Foundation in accordance with § 55-4-301. The funds must be used exclusively to support Rotary International's peacebuilding and conflict resolution initiatives across Tennessee through Rotary district and club outreach to their communities focusing on the importance of promoting peace and resolving conflicts, including providing funding to local schools and camps for educational materials related to peacebuilding, conflict resolution, and anti-bullying.

(b)

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a 100 Black Men new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection (b) must be designed in consultation with a representative of 100 Black Men of Memphis, Inc.

(3) The funds produced from the sale of 100 Black Men new specialty earmarked license plates must be allocated to 100 Black Men of Memphis, Inc., in accordance with § 55-4-301. The funds must be used exclusively in this state to support the organization's mission to support local communities and mentor and develop young people into future leaders through programs and services focusing on the areas of mentoring, education, health and wellness, and economic empowerment.

**AND FURTHER AMEND** by deleting the heading "**Medical schools and centers.**" immediately after "**55-4-340.**" in Section 1 and substituting instead the heading "**Medical care, schools, and centers.**".

**AND FURTHER AMEND** by adding the following as a new, appropriately designated subsection in § 55-4-340 of Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, shall be issued a Remote Area Medical new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be designed in consultation with a representative of Remote Area Medical.

(3) The funds produced from the sale of Remote Area Medical new specialty earmarked license plates must be allocated to Remote Area Medical in accordance with § 55-4-301. The funds must be used exclusively to provide free medical, dental, and vision services to the uninsured and underinsured population in this state.

**AND FURTHER AMEND** by adding the following as a new, appropriately designated subsection in § 55-4-311 of Section 1:

( )

(1) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-204, must be issued a First State Flag

new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The new specialty earmarked plates provided for in this subsection ( ) must be of an appropriate design representative of the original state flag of Tennessee that was adopted in 1897 and include the language "The Volunteer State". The plates must be designed in consultation with a representative of the Tipton-Haynes Historical Association, Incorporated.

(3) The funds produced from the sale of First State Flag new specialty earmarked license plates must be allocated to the Tipton-Haynes Historical Association, Incorporated, in accordance with § 55-4-301. The funds must be used exclusively to support the organization's efforts to operate the Tipton-Haynes State Historic Site in Johnson City, Tennessee.

**AND FURTHER AMEND** by inserting the following new sections immediately preceding the antepenultimate section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 55-4-203(c)(7), is amended by adding the following as new, appropriately designated subdivisions:

- ( ) Lupus Foundation;
- ( ) Stronger Than My Father;
- ( ) A Soldier's Child;
- ( ) Robotics in Education;
- ( ) Wilson County The Place to Be;
- ( ) Nashville SC;
- ( ) Crusade Against Darkness;
- ( ) Special Olympics;
- ( ) Honor the Fallen;
- ( ) Wilder Reign;
- ( ) Look Twice Save a Life;

- ( ) Kappa Delta Sorority;
- ( ) University of North Carolina;
- ( ) Tennessee Councils of the Boy Scouts of America;
- ( ) The Volunteer State;
- ( ) Fighting for the Bullys;
- ( ) Golfer;
- ( ) Child Development Services of Murfreesboro;
- ( ) Promote Peace;
- ( ) Remote Area Medical;
- ( ) First State Flag;
- ( ) Sickle Cell Foundation;
- ( ) Elizabethton Cyclones;
- ( ) 100 Black Men;
- ( ) Historic Jonesborough;

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 55-4-252(b), is amended by deleting the language "shall include the appropriate emblem of the branch of service of the recipient of the plate." and substituting instead "shall have engraved or embossed on the plate, or otherwise permanently bear, the appropriate emblem of the branch of service of the recipient of the plate. A decal or sticker must not be used to represent the emblem."

SECTION \_\_\_\_\_. Notwithstanding Tennessee Code Annotated, Section 55-4-202(c)(1) or another law to the contrary, a collegiate plate for King University must be administratively reissued by the department of revenue if the minimum order requirement of one hundred (100) plates is met prior to reissuance.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 55-4-299(b), is amended by deleting the subsection.

SECTION \_\_\_\_\_. The department of revenue shall design, in consultation with a representative of the University of Tennessee Southern, a University of Tennessee Southern

collegiate plate to be administratively issued in accordance with Tennessee Code Annotated, Section 55-4-210.

SECTION \_\_\_. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

**55-4-232.**

(a) A distinctive license plate is authorized for any person who is a retired firefighter, if the person is currently a resident of this state, is otherwise qualified to register and license a motor vehicle pursuant to this title, and submits proof of former membership in a firefighting unit from which the person is a bona fide retired member in good standing.

(b) The registration plates must bear the legend "Retired Firefighter".

(c) The registration plate must be issued upon payment of the regular registration fee pursuant to this chapter and an additional fee equal to the cost of actually designing and manufacturing the plates, and submission of information in accordance with subsection (d).

(d) For issuance of a license plate pursuant to this section, all applications must contain information that the commissioner requires proving the eligibility of the applicant as a person who retired in good standing as a firefighter pursuant to subsection (a).

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-203(c)(5), is amended by adding the following as a new subdivision:

( ) Retired firefighter;

SECTION \_\_\_. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new section:

**55-4-281.**

(a) A recipient of the Coast Guard Medal or the Coast Guard Commendation Medal who is a resident of this state and who is an owner or lessee of a motor vehicle, upon complying with state motor vehicle laws relating to registration and licensing of

motor vehicles and upon paying the regular registration fee for plates, as prescribed under § 55-4-111, and the fee provided for in § 55-4-204(c)(1), shall be issued a distinctive Coast Guard Medal or Coast Guard Commendation Medal motor vehicle registration plate, as appropriate, for a motor vehicle authorized by § 55-4-210(c).

(b) The plates provided for in this section must include a likeness of the Coast Guard Medal or the Coast Guard Commendation Medal and bear the legend "Coast Guard Medal" or "Coast Guard Commendation Medal", as applicable.

(c) All applications pursuant to this section must be accompanied by the following as proof of eligibility for issuance of a plate pursuant to this section:

(1)

(A) A valid military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active member of the United States armed forces; or

(B)

(i) A certified copy of the veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), honorable discharge certificate, department of defense form 256 (DD 256), or report of separation and record of service, NGB form 22, that indicates an honorable discharge characterization;

(ii) A valid DD form 2 (Retired) military identification card;

or

(iii) A Tennessee driver license that indicates military service in accordance with § 55-50-354; and

(2) Documentation certifying that the application for the plate is submitted by a recipient of the Coast Guard Medal or Coast Guard Commendation Medal, as applicable, to include:

(A) Military orders awarding the Coast Guard Medal or Coast Guard Commendation Medal, authorized by a branch of the United States armed forces to the member or veteran; or

(B) The veteran's certificate of release or discharge from active duty, department of defense form 214 (DD 214), or report of separation and record of service, NGB form 22, indicating the awarding of the Coast Guard Medal or Coast Guard Commendation Medal.

(d) An applicant is required to submit the documentation required by subsection (c) only when initially applying for license plates under this section. Subsequent license plates under this section must be issued to that person without the repeated presentation of documentation.

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-203(c)(5)(G), is amended by adding the following as new, appropriately designated subdivisions:

- ( ) Coast Guard Medal;
- ( ) Coast Guard Commendation Medal;

SECTION \_\_\_. Tennessee Code Annotated, Section 55-4-204(c)(1), is amended by adding the following as new, appropriately designated subdivisions:

- ( ) Coast Guard Medal;
- ( ) Coast Guard Commendation Medal;

**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 144**

**House Bill No. 138\***

by deleting all language after the enacting clause and substituting:

**SECTION 1.**

(a)

(1) Notwithstanding another law to the contrary, the Lee Ford bridge on State Route 130 in Franklin County, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "SGT Michael P. Oliver Memorial Bridge", is no longer designated as the "SGT Michael P. Oliver Memorial Bridge" on or after the effective date of this act.

(2) Notwithstanding another law to the contrary, the left bridge (Bridge No. 10SR0370016) on State Route 37/U.S. Highway 19E spanning the Doe River in Carter County is hereby designated the "SGT Michael P. Oliver Memorial Bridge" to honor the memory of Michael P. Oliver, Sergeant, United States Army, who served with honor in the Vietnam War while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice on January 8, 1968, when he lost his life at twenty (20) years of age during a combat action in the Hiep Duc Valley, South Vietnam, in the Quang Tin province.

(3) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (a)(2) as the "SGT Michael P. Oliver Memorial Bridge". The department is further directed to remove any previously installed signs or markers from the bridge on State



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Route 130 identified in subdivision (a)(1). The department may relocate previously installed signs or markers to designate the bridge identified in subdivision (a)(2). Any cost of signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(4) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(b)

(1) Notwithstanding another law to the contrary, the bridge (Bridge No. 89S42900011) spanning the Barren Fork River on Shelbyville Road in Warren County, Tennessee, is hereby designated the "SP4 Donnie Ray McCormick Memorial Bridge" to honor the memory of Light Weapon Infantry Specialist, Donnie Ray McCormick, who served in the United States Army and who made the ultimate sacrifice on February 8, 1968, when he came under hostile fire and was tragically killed in action in the Vietnam War.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (b)(1) as the "SP4 Donnie Ray McCormick Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(c)

(1) Notwithstanding another law to the contrary, the northbound bridge on State Route 35 (Hall Road) spanning Pistol Creek in the City of Alcoa, Blount County, Tennessee, is hereby designated the "SGT Oscar R. Proffitt Memorial

Bridge" to honor the memory of Oscar Rankin Proffitt, Sergeant, United States Army Air Corps, a native of Alcoa who served as a bombardier/nose gunner and navigator on a B-17 Flying Fortress with the 347<sup>th</sup> Bomber Squadron, 99<sup>th</sup> Bombardment Group (Heavy) during World War II, and who made the ultimate sacrifice on November 7, 1944, when he was killed in action after parachuting from his aircraft over Maribor, Yugoslavia.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (c)(1) as the "SGT Oscar R. Proffitt Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d)

(1) Notwithstanding another law to the contrary, the bridge on State Route 20 / U.S. Highway 412 spanning Johnson Creek in Decatur County, Tennessee, is hereby designated the "Chief Kenny Fox Memorial Bridge" to honor the memory of Kenny Fox, Fire Chief of the Decaturville Volunteer Fire Department and Chief of the Decaturville Police Department, who was killed tragically on April 7, 2012, while fighting a fire, in which he heroically and selflessly pushed two other firefighters who were with him toward the exit before the roof collapsed on Chief Fox.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (d)(1) as the "Chief Kenny Fox Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(e)

(1) Notwithstanding another law to the contrary, the segment of State Route 15 / U.S. Highway 64 (East Main Street) in the City of Adamsville, Tennessee, beginning at the intersection of such route with State Route 22 (North Maple Street) and ending at the eastern boundary of Adamsville, is hereby designated the "Matthew Locke Memorial Highway" to honor the memory of this exemplary public servant who previously served as an officer with the Adamsville Police Department and who, as a deputy sheriff with the Hardin County Sheriff's Office, made the ultimate sacrifice on September 25, 2021, when he was shot and killed while assisting other officers in responding to a domestic disturbance call.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the northbound and southbound segments described in subdivision (e)(1) as the "Matthew Locke Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(f)

(1) Notwithstanding another law to the contrary, the bridge on State Route 106 / U.S. Highway 431 (Hillsboro Road) spanning the Little Harpeth River in the City of Brentwood, Williamson County, Tennessee, is hereby designated the "Maj. Samuel P. Logan, Jr. Memorial Bridge" to honor the memory of Samuel

Porter Logan, Jr., Major, United States Air Force, who served with honor in the Korean War while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice when he was shot down while piloting a B-29 Super Fortress over North Korea on September 9, 1950, and, while there is evidence of his capture, was never formally declared a prisoner of war and later declared missing in action and presumed dead by the Air Force on March 31, 1954.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (f)(1) as the "Maj. Samuel P. Logan, Jr. Memorial Bridge". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(g)

(1) Notwithstanding another law to the contrary, the bridge on State Route 335 (Hunt Road) spanning U.S. Highway 129 (Alcoa Highway) in Blount County, Tennessee, is hereby designated the "Sgt. Michael H. Ferschke, Jr. Memorial Bridge" to honor the memory of Michael H. Ferschke, Jr., Sergeant, United States Marine Corps, who served with honor as a radio operator with the 3rd Reconnaissance Battalion, 3rd Marine Division, while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice during Operation Iraqi Freedom when he was killed on August 10, 2008, while supporting combat operations in Tikrit, Iraq.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subdivision (g)(1) as the "Sgt. Michael H. Ferschke, Jr. Memorial Bridge". The cost of the signage

must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(h)

(1) Notwithstanding another law to the contrary, the segment of State Route 156 in Marion County, Tennessee, beginning at the intersection of such route with Maplevue Road and ending at the intersection of such route with Macedonia Road, is hereby designated the "Det. Matthew W. Blansett Memorial Highway" to honor the memory of this exemplary public servant who, as a detective with the Marion County Sheriff's Department, made the ultimate sacrifice on August 23, 2022, when the helicopter he was in crashed while conducting an aerial mission with the Tennessee Highway Patrol Aviation Division, killing him and Tennessee Highway Patrol Sergeant Lee Russell.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the northbound and southbound segments described in subdivision (h)(1) as the "Det. Matthew W. Blansett Memorial Highway". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(4) The appellation "Det. Matthew W. Blansett Memorial Highway" provided for in this subsection (h) is for honorary purposes only, and this subsection (h) does not require the alteration of any address, or the

governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this subsection (h).

(5) This subsection (h) does not require the alteration of any previously named segment or segments of State Route 156 described in subdivision (h)(1) as the "Det. Matthew W. Blansett Memorial Highway".

(i)

(1) Notwithstanding another law to the contrary, the southbound bridge on U.S. Highway 11E near Clear Springs Road and the Greene - Washington county line in Washington County, Tennessee, is hereby designated "*In Memory of Arthur G. Hensley*" in recognition of the life of valor and death in combat of Arthur G. Hensley, Specialist E-4, U.S. Army, who made the ultimate sacrifice on March 31, 1967, while courageously serving his country in the Vietnam War.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the southbound bridge described in subdivision (i)(1) as "*In Memory of Arthur G. Hensley*". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(j)

(1) Notwithstanding another law to the contrary, the northbound bridge on U.S. Highway 11E near Clear Springs Road and the Greene - Washington county line in Washington County, Tennessee, is hereby designated "*In Memory of Daryl C. Culver*", in recognition of the life of valor and death in combat of Daryl C. Culver, U.S. Army, who made the ultimate sacrifice on August 7, 1968, while courageously serving his country in the Vietnam War.

(2) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the northbound bridge described in subdivision (j)(1) as "*In Memory of Daryl C. Culver*". The cost of the signage must be funded in accordance with Tennessee Code Annotated, Section 54-1-133.

(3) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

## SECTION 2.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 02SR0100011) on State Route 10/U.S. Highway 231 (North Main Street) spanning Little Hurricane Creek in the City of Shelbyville, Bedford County, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "PFC Forrest Wells Memorial Bridge", is no longer designated as the "PFC Forrest Wells Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding any law to the contrary, the bridge (Bridge No. 02SR0100017) on State Route 10/U.S. Highway 231 (North Main Street) spanning Hurricane Creek in the City of Shelbyville, Bedford County, is hereby designated the "PFC Forrest Wells Memorial Bridge" to honor the memory of Forrest Wells, Private First Class, United States Army, a native of Bedford County, loving husband and father, and loyal employee at Empire Pencil Company who, in 2014, posthumously received the Bronze Star Medal for meritorious achievement in active ground combat during World War II, including heroic actions on the night of July 29, 1944, while serving as a member of a gun section in the vicinity of Hebecrevon, France.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "PFC Forrest Wells Memorial Bridge". The department is further directed to remove any previously

installed signs or markers from the bridge (Bridge No. 02SR0100011) on State Route 10/U.S. Highway 231 (North Main Street) identified in subsection (a). The department may relocate previously installed signs or markers to designate the bridge identified in subsection (b).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

### SECTION 3.

(a) Notwithstanding another law to the contrary, the segment of Old Nashville Highway within Rutherford County, beginning at the intersection of such route with Enon Springs Road and ending at the intersection of such route with Interstate 840, is hereby designated the "Valor Memorial Highway" to honor Tennessee's most courageous citizens who have demonstrated valiant service to our nation and who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Valor Memorial Highway".



(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Old Nashville Highway described in subsection (a) as "Valor Memorial Highway".

#### SECTION 4.

(a) Notwithstanding another law to the contrary, the segment of Old Nashville Highway within Rutherford County, beginning at the intersection of such route with Interstate 840 and ending at the intersection of such route with North Thompson Lane, is hereby designated the "Gold Star Highway" to honor the families of the courageous men and women who have lost their lives in service to this country so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Gold Star Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Gold Star Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Old Nashville Highway described in subsection (a) as the "Gold Star Highway".

#### SECTION 5.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 61S43350001) on State Route 304 spanning Big Sewee Creek, in Meigs County, Tennessee, is hereby designated the "Gladys Cunningham Memorial Bridge" to honor

the memory of this dedicated educator and lifelong resident of Meigs County, who served as a teacher in Meigs County for forty-seven years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Gladys Cunningham Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 6.

(a) Notwithstanding another law to the contrary, the segment of State Route 6 / U.S. Highway 43 (Lawrenceburg Highway) in Maury County, Tennessee, beginning from the overpass of such route spanning Mt. Joy Road and ending at the junction of such route with State Route 243, is hereby designated the "Dee Edwin Waggy Memorial Highway" to honor the memory of this courageous veteran and beloved husband, father, grandfather, and resident of Maury County, Tennessee, whose life was tragically cut short on November 2, 2020, near this location while he was selflessly assisting another driver.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Dee Edwin Waggy Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Dee Edwin Waggy Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 6 / U.S. Highway 43 described in subsection (a) as the "Dee Edwin Waggy Memorial Highway".

## SECTION 7.

(a) Notwithstanding another law to the contrary, the segment of Interstate 40 beginning at mile marker 47 and ending at mile marker 56 in Haywood County, Tennessee is hereby designated the "Bishop William H. Graves, Sr. Memorial Highway" to honor this incredibly well-respected community and national leader, dedicated public

servant, and beloved resident of Haywood County who was appointed by President George W. Bush to the Board of Directors for the Tennessee Valley Authority as its first African-American member, and who served more than 180 churches in Arkansas and Tennessee from 1982 until his retirement as Senior Bishop in 2010.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Bishop William H. Graves, Sr. Memorial Highway". The signs must be erected or affixed so as to be visible to both eastbound and westbound motorists on Interstate 40.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Bishop William H. Graves, Sr. Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Interstate 40 described in subsection (a) as the "Bishop William H. Graves, Sr. Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 8.

(a) Notwithstanding another law to the contrary, the entire segment of Interstate 65 located in Maury County is hereby designated the "Valor Memorial Highway" to honor all military service members, law enforcement officers, firefighters, EMTs, and other first responders who have lost their lives in the line of duty.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Valor Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Interstate 65 described in subsection (a) as the "Valor Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 9.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 60SR0500007) on State Route 50 (Williamsport Pike) spanning Green Lick Creek in Maury County, Tennessee, is hereby designated the "Jean Corley Harlan Memorial Bridge" to honor the memory of Jean Corley Harlan, an esteemed resident of Maury County who spent a lifetime of service to the agriculture community in the county in running her family farm with her children after the death of her husband, Edward, and through her active participation in the county 4-H program, the Maury County Farm Bureau, West End Baptist Church, and Cosmopolitan Book Club.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Jean Corley Harlan Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 10.

(a) Notwithstanding another law to the contrary, the bridge on Hay Hollow Road spanning Leiper's Creek in Maury County, Tennessee, is hereby designated the "Larry

and Sandra Warf Adkison Bridge" to honor these well-respected residents of Maury County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Larry and Sandra Warf Adkison Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 11.

(a) Notwithstanding another law to the contrary, the segment of State Route 12 (Ashland City Highway) in Davidson County, Tennessee, beginning at the intersection of such route with Eatons Creek Road and ending at the intersection of such route with Jordan Drive, is hereby designated the "Dollene Myles Memorial Highway" to honor the memory of this lifelong educator who was a beloved and well-respected resident of Davidson County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Dollene Myles Memorial Highway".



(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Dollene Myles Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 12 described in subsection (a) as the "Dollene Myles Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 12.

(a) Notwithstanding another law to the contrary, the southbound bridge on State Route 35 (Hall Road) spanning Pistol Creek in the City of Alcoa, Blount County, Tennessee, is hereby designated the "CPL James G. Dobson Memorial Bridge" to honor the memory of James Dobson, Corporal, United States Army, a native of the City of Alcoa, who, as a member of the Third Infantry Division in the Korean War, was captured and held as a prisoner of war for two and a half years, and upon his release in 1953 returned home to Blount County and developed a career as a professional photographer.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "CPL James G. Dobson Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 13.

(a) Notwithstanding another law to the contrary, the segment of State Route 14 (Austin Peay Highway / Jackson Avenue) within the City of Memphis, Tennessee, beginning at the intersection of such route with State Route 204 (Singleton Parkway / New Covington Pike) and ending at the intersection of such route with Interstate 40, is hereby designated "Veterans Boulevard" to honor the courageous men and women who have served in the Armed Forces of the United States so that the people of this country may enjoy the many bounties of democracy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Veterans Boulevard".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Veterans Boulevard" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment or segments of State Route 14 described in subsection (a) as "Veterans Boulevard".

(f) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 14.

(a) Notwithstanding another law to the contrary, the segment of State Route 294 (Willow Grove Highway) in Overton County, Tennessee, beginning at the intersection of such route with Oakley Allons Road and ending at Fellowship Baptist Church, located at 2810 Willow Grove Highway, is hereby designated the "Gene Noel Martin Memorial Highway" to honor the memory of this well-respected member of the Allons community and veteran of World War II.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Gene Noel Martin Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Gene Noel Martin Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 294 described in subsection (a) as the "Gene Noel Martin Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 15.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 41A (University Avenue) within the City of Clarksville, Montgomery County, Tennessee, beginning at the intersection of such route with State Route 76 (Madison Street), continuing with its junction with State Route 48 (College Street), and ending at the

intersection of such route with State Route 13 (Riverside Drive), is hereby designated "Valor Memorial Highway" to honor fallen heroes.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Valor Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Valor Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment or segments of U.S. Highway 41A described in subsection (a) as "Valor Memorial Highway".

(f) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 16.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 51S63160001) on U.S. Highway 412 (State Route 99) spanning the Big Swan Creek in

Lewis County, which is currently designated pursuant to Chapter 439 of the Public Acts of 2017 as the "William Fred Lynch Memorial Bridge", is no longer designated as the "William Fred Lynch Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 51S63160001) on U.S. Highway 412 (State Route 99) spanning the Big Swan Creek in Lewis County, is hereby designated the "PFC William Fred Lynch Memorial Bridge" to honor the memory of William Fred Lynch, Private First Class, United States Army, who served with honor in World War II while defending our freedom and our way of life so that we could continue to live in peace here at home and who was captured and served as a prisoner of war from 1944-1945.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "PFC William Fred Lynch Memorial Bridge". The department is further directed to remove any previously installed signs or markers from the bridge on U.S. Highway 412 (State Route 99) identified in subsection (a).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 17.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 412 / State Route 99 in Lewis County, beginning from the address 1496 Columbia Highway, Hohenwald, Tennessee 38462, and ending at mile marker 23, is hereby designated as the "Garland 'GY' Bennett Memorial Highway" to honor the memory of this beloved husband, father, grandfather, great-grandfather, and respected public servant whose service included two years as a Hohenwald Police Officer, eight years as Lewis County Sheriff, and eighteen years with the Lewis County Division of Forestry.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Garland 'GY' Bennett Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Garland 'GY' Bennett Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 412 / State Route 99 described in subsection (a) as the "Garland 'GY' Bennett Memorial Highway".

#### SECTION 18.

(a) Notwithstanding another law to the contrary, the segment of State Route 27 / U.S. Highway 27 in the City of Chattanooga, Tennessee, beginning at Exit 1A and ending at Exit 1B, is hereby designated as the "Kane Brown Highway" to honor Kane Brown, a Chattanooga-born native and one of country music's most accomplished singers whose influence has shifted the sound of modern country.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment, both northbound and southbound, described in subsection (a) as the "Kane Brown Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Kane Brown Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address,



or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of a highway described in subsection (a) as the "Kane Brown Highway".

#### SECTION 19.

(a) Notwithstanding another law to the contrary, the segment of State Route 171 (Old Hickory Boulevard / Hobson Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Interstate 24 and ending at the intersection of such route with State Route 1 / U.S. Highway 41 (Murfreesboro Pike), is hereby designated the "Akilah DaSilva Memorial Highway" to honor the memory of this twenty-three-year-old musician, music producer, writer, photographer, videographer, and engineering student who was a humble, kind, and well-respected young man and a beacon of hope, love, and strength for his family and friends, and whose life was tragically cut short when he was killed during a shooting in an Antioch Waffle House on April 22, 2018.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Akilah DaSilva Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Akilah DaSilva Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 171 described in subsection (a) as the "Akilah DaSilva Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 20.

(a) Notwithstanding another law to the contrary, the segment of Interstate 40 in Cocke County, Tennessee beginning from the Tennessee-North Carolina state line to the Cocke County-Jefferson County boundary, is hereby designated the "Master Sergeant Charles L. McGaha Medal of Honor Highway" to honor the memory of Charles L. McGaha, Master Sergeant, United States Army, who, during World War II, braved enemy fire to aid and carry wounded soldiers to safety, and who received the Medal of Honor, four Purple Hearts, the Asiatic-Pacific Theater Ribbon with four Bronze Battle Stars, the Philippine Liberation Ribbon with Star, American Service Ribbon with Star, Combat Infantryman Badge, Good Conduct Medal, and Master Paratrooper Wings and Star.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Master Sergeant Charles L. McGaha Medal of Honor Highway". The signs must be erected or affixed so as to be visible to both westbound and eastbound motorists on Interstate 40.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Master Sergeant Charles L. McGaha Medal of Honor Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of Interstate 40 described in subsection (a) as "Master Sergeant Charles L. McGaha Medal of Honor Highway".

#### SECTION 21.

(a) Notwithstanding another law to the contrary, the bridge on Interstate 40 spanning Dodson Chapel Road near Exit 221A in Davidson County, Tennessee, is hereby designated as the "Representative Ben West, Jr. Memorial Flyover Bridge" in honor of this dedicated and well-informed legislator and resident of the City of Hermitage, who devoted his life to public service, diligently serving thirteen terms as State Representative for the 60th District as a House member of the 94th through the 106th General Assemblies.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Representative Ben West, Jr. Memorial Flyover Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

## SECTION 22.

(a) Notwithstanding another law to the contrary, the bridge on State Route 268 (Compton Road) spanning Bushman Creek near the Lakebrook subdivision in Rutherford County, Tennessee, is hereby designated the "Gary Don Pitts Bridge" to honor this well-respected resident of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Gary Don Pitts Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 23.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 64 / State Route 100 in Hardeman County, Tennessee, beginning from the junction of such route with West Main Street in the Town of Whiteville, and ending at the junction of such route with East Main Street in the Town of Whiteville, is hereby designated as the "Ramsey 'Rambo' Fleet Memorial Highway" to honor the memory of this loyal public servant and dedicated resident of the Town of Whiteville, who provided distinguished service to the town as its Public Works Superintendent from 1978 until his death in 2022.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Ramsey 'Rambo' Fleet Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The

department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Ramsey 'Rambo' Fleet Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of U.S. Highway 64 / State Route 100 described in subsection (a) as the "Ramsey 'Rambo' Fleet Memorial Highway".

#### SECTION 24.

(a) Notwithstanding another law to the contrary, the overpass on State Route 155 (Briley Parkway) at Two Rivers Parkway in Davidson County is hereby designated the "Colin Reed Bridge" in honor of this distinguished resident and influential businessman of Davidson County who, through his current role as Executive Chairman and former role as President and CEO of Ryman Hospitality Properties, Inc., has ably served his fellow citizens of the City of Nashville by working to bring the Music City brand to tourists worldwide and by overseeing the rehabilitation and reopening of the Gaylord Opryland Resort after the 2010 floods.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the overpass described in subsection (a) as the "Colin Reed Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 25.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 27 (Morgan County Highway) in Morgan County, Tennessee, beginning at mile marker 12 and ending at mile marker 14, is hereby designated the "Anna Greene Jones Highway" to honor the memory of this hero of Morgan County who wrote letters to her husband, Private Lewis J. Jones, Company F, 1st Tennessee Infantry Regiment (Union), during the Civil War that provided valuable information concerning troop movements and general intelligence, risking her life in her love of family, country, and community while providing heroic contributions locally to the defeat of the Confederacy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Anna Greene Jones Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Anna Greene Jones Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any

address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of U.S. Highway 27 described in subsection (a) as the "Anna Greene Jones Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 26.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0010011) on State Route 1 spanning East Fork Stones River in Cannon County, Tennessee, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "Melton Memorial Bridge" is no longer designated as the "Melton Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0010011) on State Route 1 spanning East Fork Stones River in Cannon County, Tennessee, is hereby designated the "Melton Memorial Bridge – J. Barrett Melton, J. Barrett (Mose) Melton, Jr., and J. Barrett (Johnny) Melton, III", to honor the memories of these individuals who devoted their lives to serving the Woodbury community and who served for decades as respected lawyers.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "Melton



Memorial Bridge – J. Barrett Melton, J. Barrett (Mose) Melton, Jr., and J. Barrett (Johnny) Melton, III". The department is further directed to remove any previously installed signs or markers from the bridge on State Route 1 identified in subsection (a).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 27.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 08SR0530011) on State Route 53 spanning East Fork Stones River at mile marker 14.54 in Cannon County, is hereby designated the "J.W. Higgins Memorial Bridge" to honor the memory of this beloved resident of Cannon County, Tennessee, who ably served his fellow residents.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "J.W. Higgins Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 28.

(a) Notwithstanding another law to the contrary, the bridge (Bridge No. 47E00470003) spanning Little Turkey Creek in Knox County, Tennessee, which is currently designated pursuant to Chapter 1009 of the Public Acts of 2022 as the "1st Lt. Jackie Carroll Walker Memorial Bridge", is no longer designated as the "1st Lt. Jackie Carroll Walker Memorial Bridge" on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the bridge (Bridge No. 47SR1620009) on Bob Gray Road spanning State Route 162 in Knox County, Tennessee, is hereby designated the "1st Lt. Jackie Carroll Walker Memorial Bridge" to honor the memory of Jackie Carroll Walker, First Lieutenant, United States Army, who served with distinction and honor in the Vietnam War while defending our freedom and our way of life so that we could continue to live in peace here at home and who made the ultimate sacrifice on November 20, 1969, when he died from combat wounds received in the Bien Hoa province of Vietnam.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (b) as the "1st Lt. Jackie Carroll Walker Memorial Bridge". The department is further directed to remove any previously installed signs or markers from the bridge identified in subsection (a). The

department may relocate previously installed signs or markers to designate the bridge identified in subsection (b).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(e) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 29.

(a) Notwithstanding another law to the contrary, the northbound bridge on State Route 10 / U.S. Highway 231 (Shelbyville Pike) spanning Christmas Creek in Rutherford County, Tennessee, is hereby designated the "Allen 'Buddy' Gambill, Jr. Bridge" to honor this U.S. Air Force veteran, Assistant Chief of the Christiana Volunteer Fire Department, and community and business leader of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) the "Allen 'Buddy' Gambill, Jr. Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 30.

(a) Notwithstanding another law to the contrary, the southbound bridge on State Route 10 / U.S. Highway 231 (Shelbyville Pike) spanning Christmas Creek in Rutherford County, Tennessee, is hereby designated the "Allen 'Buddy' Gambill, Sr. Bridge" to honor the memory of this well-respected business owner and resident of Rutherford County.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) the "Allen 'Buddy' Gambill, Sr. Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost

exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 31.

(a) Notwithstanding another law to the contrary, the new bridge being constructed on State Route 317 (Apison Pike) to span Spalding Drive in Hamilton County, Tennessee, is hereby designated the "Desmond T. Doss Medal of Honor Bridge" to honor the memory of Desmond T. Doss, Corporal, United States Army, who, because of his personal beliefs as a Seventh-day Adventist, refused to kill an enemy soldier or carry a weapon into combat but nonetheless felt compelled to serve in the military during World War II, and who served with the 77th Infantry Division in the Pacific Theater, and through his outstanding bravery and unflinching determination in the face of desperately dangerous conditions during the Battle of Okinawa, saved the lives of between fifty (50) and one hundred (100) wounded soldiers, while suffering multiple wounds himself, atop an area known as the Maeda Escarpment or Hacksaw Ridge, and which resulted in him being awarded the Medal of Honor for his actions.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Desmond T. Doss Medal of Honor Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity

paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 32.

(a) Notwithstanding another law to the contrary, the exit for Unaka and Watauga Streets (Exit 22) on Interstate 26 in Johnson City, Tennessee, is hereby designated as the "Langston Interchange" as a lasting tribute to the historic Langston High School, which was Johnson City's school for African-American students from 1893-1965, and which had a significant impact on the city's African-American community.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Unaka and Watauga Streets (Exit 22) on Interstate 26, both eastbound and westbound, designating the interchange described in subsection (a) as the "Langston Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 33.

(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260045 and Bridge No. 90I00260046) on Interstate 26 spanning State Route 400 (Watauga Street) in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 34.

(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260043 and Bridge No. 90I00260044) on Interstate 26 spanning State Route 400

(Unaka Street) in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 35.

(a) Notwithstanding another law to the contrary, the parallel bridges (Bridge No. 90I00260047 and Bridge No. 90I00260048) on Interstate 26 spanning Fairview Avenue in Johnson City, Tennessee, are each hereby designated the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge" to honor



the memory of these notable African-American leaders in Johnson City, Tennessee, who, through their public service and community activism, made positive contributions to the history of Johnson City and paved the way for where the community is today in preserving the past and looking forward to the future.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating each of the parallel bridges described in subsection (a) as the "Betty Hill-Goah, Mary Alexander, John Fletcher Birchette, III, and Dr. C.H. Charlton Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 36.

(a) Notwithstanding another law to the contrary, the segment of State Route 317 (Apison Pike) within Hamilton County, Tennessee, that is currently designated as "Veterans' Memorial Drive" pursuant to Chapter 351 of the Public Acts of 2021, and which currently begins at the intersection of such route with Pattentown Road and ends at the intersection of such route with U.S. Highway 321 (Ooltewah-Ringgold Road), is hereby extended in length so that the segment no longer ends at the intersection of such

route with U.S. Highway 321, but instead ends at the eastern boundary of the City of Collegedale, Tennessee, near the intersection of such route with Short Cut Road.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Veterans' Memorial Drive". The department is further directed to remove any signs or markers that were previously installed to designate the end of the segment at the intersection of such route with U.S. Highway 321. The department may relocate previously installed signs or markers to designate the new end of the segment at the eastern boundary of the City of Collegedale, Tennessee.

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Veterans' Memorial Drive" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) Except as provided in subsection (a), this section does not require the alteration of any previously named segment of State Route 317 described in subsection (a) as "Veterans' Memorial Drive".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be

remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 37.

(a) Notwithstanding another law to the contrary, the exit for Tinker Road (Exit 34) on Interstate 26 in the Town of Unicoi, Unicoi County, Tennessee, is hereby designated as the "Carl Jones 'Mayor of Rocky Bottom' Memorial Interchange" to honor the memory of this beloved resident and community leader of the Town of Unicoi who was fondly known as the "Mayor of Rocky Bottom," which is this area along Interstate 26.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Tinker Road (Exit 34) on Interstate 26, both eastbound and westbound, designating the interchange described in subsection (a) as the "Carl Jones 'Mayor of Rocky Bottom' Memorial Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 38.

(a) Notwithstanding another law to the contrary, the segment of State Route 136 (Old Kentucky Road) in White County, Tennessee, beginning at the intersection of such

route with State Route 135 (Burgess Falls Road) and ending at the intersection of such route with Bunker Hill Road is hereby designated the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway" to honor the memory of these two well-respected, married members of White County who each provided great service to their county and community as White County Sheriff, with Annell Hickey being the first female sheriff in this state's history.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 136 described in subsection (a) as the "Sheriff William Hickey and Sheriff Annell Oliver Hickey Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be

remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 39.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 70 (Lebanon Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Stewarts Ferry Pike and ending at the intersection of such route with Downeymeade Drive, which is currently designated pursuant to Chapter 92 of the Public Acts of 2011 as the "THP Col. Elmer V. Craig Memorial Highway" is no longer designated as such on or after the effective date of this act.

(b) Notwithstanding another law to the contrary, the segment of U.S. Highway 70 (Lebanon Pike) in Davidson County, Tennessee, beginning at the intersection of such route with Stewarts Ferry Pike and ending at the intersection of such route with Downeymeade Drive, is hereby designated as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway" to honor the memories of two extremely dedicated and accomplished law enforcement officers and the first father and son to serve on the Tennessee Highway Patrol.

(c) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (b) as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway". The department is further directed to remove any previously installed signs or markers from the segment of U.S. Highway 70 identified in subsection (a).

(d) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(e) The appellation "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for

assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) Except as provided in subsection (a), this section does not require the alteration of any previously named segment of U.S. Highway 70 described in subsection (b) as the "THP Col. Elmer V. Craig and THP Sgt. Johnny W. Craig Memorial Highway".

(g) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 40.

(a) Notwithstanding another law to the contrary, the segment of State Route 48 (Centerville Highway) in Lewis County, Tennessee, beginning from mile marker 15 and ending at mile marker 16, is hereby designated the "Roger 'Tank' Sealy Memorial Highway" in honor of this longtime local businessman and community leader in Lewis County and former member of the Lewis County Board of Commissioners.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Roger 'Tank' Sealy Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(e) The appellation "Roger 'Tank' Sealy Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(f) This section does not require the alteration of any previously named segment or segments of State Route 48 described in subsection (a) as "Roger 'Tank' Sealy Memorial Highway".

#### SECTION 41.

(a) Notwithstanding another law to the contrary, the segment of State Route 2 / U.S. Highway 64 (Lee Highway) in the City of Cleveland, Bradley County, Tennessee, beginning at the intersection of such route with Fairway Drive and ending at the intersection of such route with Grove Avenue, is hereby designated as "Rhyne Howard Drive" to honor this esteemed graduate of Bradley Central High School, who, in addition to being named Tennessee Miss Basketball and the 2018 Tennessee Gatorade Player of the Year during her senior year of high school, earned great acclaim in her collegiate career as a unanimous first team All-American and two-time SEC Player of the Year while starring at the University of Kentucky and has begun her professional career as the first overall pick in the 2022 WNBA draft and WNBA Rookie of the Year.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as "Rhyne Howard Drive".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rhyne Howard Drive" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 2 described in subsection (a) as "Rhyne Howard Drive".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 42.

(a) Notwithstanding another law to the contrary, the segment of State Route 52 in Sumner County, Tennessee, beginning at the intersection of such route with Searcy Lane and ending at the intersection of such route with New Deal Potts Road, is hereby designated the "William R. Lamberth, Jr. Memorial Highway" to honor the memory of this well-respected resident of Sumner County.



(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "William R. Lamberth, Jr. Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "William R. Lamberth, Jr. Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 52 described in subsection (a) as the "William R. Lamberth, Jr. Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 43.

(a) Notwithstanding another law to the contrary, the bridge on State Route 275 (Vanntown Road) spanning the Flint River in Lincoln County, Tennessee, is hereby designated the "Charles and Jerry Delap Memorial Bridge" to honor these brothers and

well-respected residents of Lincoln County who devoted their time and energy to serving their community.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in subsection (a) as the "Charles and Jerry Delap Memorial Bridge".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 44.

(a) Notwithstanding another law to the contrary, the segment of U.S. Highway 41 (Ringgold Road) in the City of East Ridge, Hamilton County, Tennessee, beginning at the intersection of such route with Prater Road and ending at the intersection of such route with South Smith Road, is hereby designated the "Marc Gravitt Highway" to honor this well-respected small business owner and public servant who has ably served his community and state for many years through his previous roles as city councilman and state representative and his current role as register of deeds.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Marc Gravitt Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Marc Gravitt Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of U.S. Highway 41 described in subsection (a) as the "Marc Gravitt Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 45.

(a) Notwithstanding another law to the contrary, the exit for Jones Gap Road on State Route 111 in the community of Flat Top Mountain in Hamilton County, Tennessee, is hereby designated as the "W.H. 'H-ie' Smith Memorial Interchange" to honor the memory of this beloved resident of Flat Top Mountain, who proudly served his country in

General Patton's Third Army which liberated Europe during World War II, and who made valuable contributions to his community as a carpenter for over fifty years.

(b) The department of transportation is directed to erect suitable markers or to affix suitable signs at the exit for Jones Gap Road on State Route 111, both northbound and southbound, designating the interchange described in subsection (a) as the "W.H. 'H-ie' Smith Memorial Interchange."

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within the state supplemental guidelines, as applicable.

(d) This section is operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 46.

(a) Notwithstanding another law to the contrary, the segment of State Route 78 in the City of Dyersburg, Dyer County, Tennessee, beginning at mile marker 3 and ending at mile marker 5, is hereby designated the "Blake Allen Haynes Memorial Highway" to honor the memory of this Dyersburg High School Graduate and employee of the City of Dyersburg whose life ended much too soon.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Blake Allen Haynes Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Blake Allen Haynes Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 78 described in subsection (a) as the "Blake Allen Haynes Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 47.

(a) Notwithstanding another law to the contrary, the segment of Barksdale Street in Memphis, Tennessee, beginning at the intersection of such route with State Route 4 (Lamar Avenue) and ending at the intersection of such route with South Parkway East, is hereby designated the "Senator Reginald Tate Memorial Highway" to honor the memory of this well-respected member of the community, architect, and state senator who represented Memphis and the 33rd district for twelve years.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Senator Reginald Tate Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Senator Reginald Tate Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Barksdale Street described in subsection (a) as the "Senator Reginald Tate Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 48.

(a) Notwithstanding another law to the contrary, the segment of State Route 1 / U.S. Highway 11W (Rutledge Pike) in Grainger County, Tennessee, beginning at mile marker 5 and ending at mile marker 6, is hereby designated the "Jessie W. 'Bottles' Nicely Memorial Highway" to honor the memory of this highly regarded resident of

Grainger County, who, after a lifetime of working with asphalt and paving roads, deserves a segment of highway to be named in honor of his legacy.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Jessie W. 'Bottles' Nicely Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Jessie W. 'Bottles' Nicely Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 1 described in subsection (a) as the "Jessie W. 'Bottles' Nicely Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 49.

(a) Notwithstanding another law to the contrary, the segment of Peebles Road (Weaver Road) in Memphis, Tennessee, beginning at the intersection of such route with

U.S. Highway 61 and ending at the intersection of such route with West Mitchell Road, is hereby designated the "Rep. Barbara W. Cooper Memorial Highway" to honor the memory of this exceptional educator, community leader, and state representative who represented Memphis and House District 86 for eleven terms.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Rep. Barbara W. Cooper Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rep. Barbara W. Cooper Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of Peebles Road described in subsection (a) as the "Rep. Barbara W. Cooper Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 50.



(a) Notwithstanding another law to the contrary, the segment of East Person Avenue in Memphis, Tennessee, beginning at the intersection of such route with U.S. Highway 51 and ending at the intersection of such route with Cincinnati Road (Silver Street), is hereby designated the "Rep. Lois M. DeBerry Memorial Highway" to honor the memory of this trusted educator, civil rights activist, and state representative, who represented Memphis and House District 91 from the 88th General Assembly to the 108th General Assembly and who was elected the second African American female to serve in the General Assembly.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Rep. Lois M. DeBerry Memorial Highway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Rep. Lois M. DeBerry Memorial Highway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of East Person Avenue described in subsection (a) as the "Rep. Lois M. DeBerry Memorial Highway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost

exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

#### SECTION 51.

(a) Notwithstanding another law to the contrary, the segment of State Route 35 / U.S. Highway 411 in Jefferson County, Tennessee, beginning at the intersection of such route with State Route 92 (Chestnut Hill Road) near the Bush's Best Visitor Center and ending at the intersection of such route with Bush Brothers Way, is hereby designated the "Sallie Bush Parkway" to honor the memory of Sarah "Sallie" Ketner Bush, the wife of Andrew Jackson "A.J." Bush and mother of Fred and Claude Bush, the three founding members of Bush Brothers and Company, which manufactures the world-famous Bush's Best Baked Beans, based on the Bush family recipe.

(b) The department of transportation is directed to erect suitable signs or to affix suitable markers designating the segment described in subsection (a) as the "Sallie Bush Parkway".

(c) The erection of the signs must be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices, and within state supplemental guidelines, as applicable.

(d) The appellation "Sallie Bush Parkway" provided for in this section is for honorary purposes only, and this section does not require the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

(e) This section does not require the alteration of any previously named segment of State Route 35 / U.S. Highway 411 described in subsection (a) as the "Sallie Bush Parkway".

(f) This section becomes operative only if the cost of the manufacture and installation of the signs is paid to the department of transportation from nonstate funds

within one (1) year of the effective date of this act. The payment must be made prior to any expenditure by the state for the manufacture or installation of the signs. The department shall return any unused portion of the estimated cost to the person or entity paying for the signs within thirty (30) days of the erection of the signs. If the actual cost exceeds the estimated cost, then an amount equal to the difference in the costs must be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 52. A presentation copy or copies of this act, or pertinent sections thereof, must be made available to members of the general assembly upon their request to the appropriate clerk's office.

SECTION 53. This act takes 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. 576**

**House Bill No. 345\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-4-104, is amended by adding the following as a new subsection (g):

(1) Notwithstanding another law to the contrary, an owner or lessee of a private vehicle who has been issued, or is entitled under this chapter to be issued, a registration pursuant to § 55-4-103, may elect for the issuance of a registration that is valid for twenty-four (24) months, and expires on the last day of the last month of the registration period.

(2) Beginning January 1, 2024, if requested pursuant to subdivision (g)(1), the commissioner may establish a system of registration renewals at alternate intervals that allow for the distribution of the registration workload as uniformly as is practicable throughout the registration period.

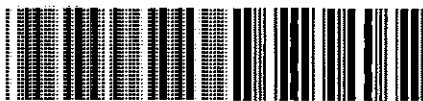
(3) If an owner or lessee elects for the issuance of a twenty-four-month registration under this section, then:

(A) The twenty-four-month registration fees imposed must offset revenue that would otherwise be generated by twelve-month registration fees; and

(B) The owner or lessee is not entitled to a refund of the fee from the department of revenue or the county issuing the registration.

(4) This subsection (g) does not apply to commercial vehicles.

(5) Beginning in fiscal year 2024-2025, and subsequent fiscal years, on June 15 of each fiscal year, counties may earmark and allocate a sum from the county general



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fund to hold county clerks harmless from the loss of fee revenue resulting from the increase in the duration of the registration period from twelve (12) months to twenty-four (24) months as authorized in this subsection (g). A county that desires to earmark and allocate registration fee revenue to the county clerk may, by action of its governing body, establish an escrow account to provide for the disbursement of such funds on a prorated basis.

SECTION 2. Tennessee Code Annotated, Section 5-8-102(d)(2), is amended by inserting the following new sentence immediately after the first sentence:

If an owner or lessee elects for the issuance of a twenty-four-month registration under § 55-4-104, then the motor vehicle privilege tax imposed must offset revenue that would otherwise be generated by the motor vehicle privilege tax imposed for a twelve-month registration, and the owner or lessee is not entitled to a refund of the tax from the county issuing the registration.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to plates issued or renewed on or after January 1, 2024.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 576**

**House Bill No. 345\***

by deleting the language "entitled under this chapter to be issued, a registration" in subdivision (1) of SECTION 1 and substituting instead "entitled under this chapter to be issued, a registration pursuant to § 55-4-103".

**AND FURTHER AMEND** by adding the following new section immediately preceding the last section and renumbering the remaining section accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 5-8-102(d)(2), is amended by inserting the following new sentence immediately after the first sentence:

If an owner or lessee elects for the issuance of a twenty-four-month registration under § 55-4-104, then the motor vehicle privilege tax imposed must offset revenue that would otherwise be generated by the motor vehicle privilege tax imposed for a twelve-month registration.

**AND FURTHER AMEND** by deleting subdivision (3) in SECTION 1 and substituting instead:

(3) If an owner or lessee elects for the issuance of a twenty-four-month registration under this section, then the twenty-four-month registration fees imposed must offset revenue that would otherwise be generated by twelve-month registration fees.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 439**

**House Bill No. 445\***

by deleting all language after the enacting clause and substituting:

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

(f)

(1) Surveillance cameras are not permitted on federal interstate highways except for:

(A) SmartWay cameras;

(B) Other intelligent transportation system cameras; and

(C) Surveillance cameras used to enforce or monitor traffic

violations within work zones designated by the department of transportation when employees of the department or construction workers are present; provided, that the cameras are operated only by a state entity.

(2) Notwithstanding subdivision (f)(1), in accordance with applicable state and federal laws governing the use or management of highway rights-of-way and subject to the approval of the federal highway administration as required by federal law, the department of transportation is authorized, but not required, to permit the installation of surveillance cameras operated by law enforcement agencies on federal interstate highways and state roads as a non-highway use of the highway right-of-way for the purpose of aiding in criminal investigations or searches for missing or endangered persons to the extent that such use is



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consistent with the continued use, operations, maintenance, and safety of the highway facility and does not interfere with the free and safe flow of traffic; provided, that these cameras are not used to enforce or monitor state or local traffic violations or issue citations for such violations.

(3) Prior to the installation and operation of a surveillance camera by a local law enforcement agency under this subsection (f), the local law enforcement agency shall seek approval from the department of transportation. The local law enforcement agency shall demonstrate to the department's satisfaction that:

(A) The manufacturer, surveillance camera, or any of the surveillance camera's components are not:

(i) Produced, assembled, or based in an entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control;

(ii) Prohibited or restricted under Section 889 of the National Defense Authorization Act (48 CFR 52.204-25);

(iii) Prohibited or restricted under Title 2 of the SECURE Technology Act (Public Law 115-390 of 2018); or

(iv) Prohibited or restricted under United States department of commerce regulations on Information and Communications and Services Supply Chain (15 CFR Part 7); and

(B) The manufacturer of and custodian of any data collected by the surveillance camera shall:

(i) Comply with § 55-10-302;

(ii) Ensure that all aspects of the manufacturer's and custodian's data services, data retention, information technology,



or other internal data management processes are contained and managed within the United States; and

(iii) Ensure that all data and metadata collected by the surveillance camera are not used for commercial purposes or sold, other than sharing with other law enforcement agencies in the United States as authorized by law.

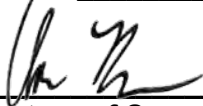
(4) At any time prior to, or following the department's approval of a surveillance camera under this subsection (f), the department may inspect the surveillance camera, components of the surveillance camera, and data collected by the surveillance camera in order to ensure compliance with this subsection (f).

(5) The department may consult with the department of safety, or any other state agency to review applications and determine compliance with this subsection (f).

(6) The department may revoke its approval and order the removal of surveillance cameras upon a determination that the manufacturer, surveillance camera, or custodian of data collected by a surveillance camera are not in compliance with this subsection (f).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 589**

**House Bill No. 485\***

by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 55-8-199(c), is amended by adding the following as a new subdivision (4):

(4) A second or subsequent violation of this section by a person who is younger than eighteen (18) years of age results in seven (7) points being charged to the person's driving record.



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House Transportation Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 589**

**House Bill No. 485\***

by deleting the language "July 1, 2023" in the effective date section and substituting instead the language "January 1, 2024".

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1357**

**House Bill No. 616\***

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

SECTION 1. Tennessee Code Annotated, Section 55-9-405(e)(1), is amended by deleting the language "Except as provided in subdivision (e)(2)," and substituting instead the language "Except as provided in subdivisions (e)(2) and (3),".

SECTION 2. Tennessee Code Annotated, Section 55-9-405(e), is amended by adding the following new subdivision:

(3) Notwithstanding subdivisions (e)(1) and (e)(2) to the contrary, a motor vehicle or trailer transporting a load of logs or pulpwood that protrudes at least four feet (4') beyond the end of the body or bed of the motor vehicle or trailer must have the following securely affixed to the end of the projecting load while the vehicle or trailer is loaded with the protruding logs or pulpwood:

(A) One (1) amber strobe-type lamp or amber blinking light, or one (1) amber LED strobe light or amber LED blinking light, which must be operating while affixed to the load; and

(B) At least two (2) red flags or at least two (2) fluorescent orange flags, which must be in good condition and visible while affixed to the load.

SECTION 3. This act takes effect October 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 728**

**House Bill No. 685\***

by deleting all language after the enacting clause and substituting:

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

**54-1-104.**

(a) The department of transportation shall identify locations of state and local government roads in this state where injuries to motor vehicle occupants, bicyclists, and pedestrians are elevated in comparison to the statewide average. On or before February 15, 2024, the department of transportation, in consultation with the department of safety, local law enforcement agencies, and highway safety offices shall submit a report of its findings and recommendations regarding the development of a strategic statewide plan to increase pedestrian safety to the chairs of the transportation committee of the house of representatives and the transportation and safety committee of the senate.

(b) From pedestrian and bicycle-related traffic crash data or other data available to, or collected by, the department of transportation, the department of safety, or local law enforcement agencies and highway safety offices, the department of transportation's report must identify the areas in this state that are elevated in comparison to the statewide average and identify intersection design factors or other factors that may have an impact regarding pedestrian and bicycle-related traffic crashes.

(c) The department shall send a copy of the report to each of the five (5) local governments with the highest number of pedestrian safety problems.



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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1006**

**House Bill No. 765\***

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

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following as new, appropriately designated subdivisions:

( ) State Route 154 from its intersection with Black House Mountain Road southward to its intersection with Laurel Creek Campground Road, then continuing on Laurel Creek Campground Road and ending at the campground, within the jurisdiction of Fentress County;

( ) State Route 297 beginning at its intersection with State Route 154 and ending at Station 11 of the Fentress County fire department, which segment is approximately eight-tenths (0.8) of a mile in length, within the jurisdiction of Fentress County;

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



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 434\***

**House Bill No. 769**

by adding the following as a new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 55-9-202, is amended by redesignating the existing subsection (c) as subsection (f) and adding the following as new subsections:

(c) This section does not apply to farm tractors or implements of husbandry, as those terms are defined in § 55-8-101.

(d) For purposes of this section, "excessive or unusual noise" includes motor noise emitted by a motor vehicle, other than a motorcycle, that is noticeably louder than similar vehicles in the environment and a sound pressure level in excess of ninety-five decibels (95 dB).

(e) It is a defense to prosecution regarding excessive or unusual noise if the person provides satisfactory evidence that the vehicle's muffler does not emit noise in excess of ninety-five decibels (95 dB) as measured in accordance with applicable standards and specifications outlined by the Society of Automotive Engineers.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1437**

**House Bill No. 1101\***

by deleting the amendatory language "a minor issued a motorcycle learner's permit" in SECTION 1 and substituting instead the language "a minor who has been issued a motorcycle learner's permit and who has completed a certified motorcycle education course approved by the department".

**AND FURTHER AMEND** by deleting the language "July 1, 2023" in SECTION 2 and substituting instead the language "January 1, 2024".

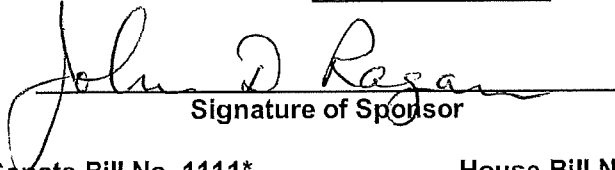


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1111\***

**House Bill No. 1380**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Mature Minor Doctrine Clarification Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The general assembly finds and declares the following:

(1) The National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa-26) requires, prior to the administration of a vaccine listed in the vaccine injury table to a minor, that healthcare providers provide the vaccine information statement from the centers for disease control and prevention to the legal representatives of the minor;

(2) The Tennessee supreme court's decision in *Cardwell v. Bechtol*, 724 S.W.2d 739 (1987), found that the mature minor exception, guided by the "Rule of Sevens," is part of Tennessee common law, but only in the context of tort law and jury considerations, and not the general rule requiring parental consent for the medical treatment of minors;

(3) The *Cardwell* court stated, "Adoption of the mature minor exception to the common law rule is by no means a general license to treat minors without parental consent and its application is dependent on the facts of each case. It must be seen in the context of the tort in question.";

(4) Despite its holding in the case, the *Cardwell* court declined to alter



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the general rule, which is "requiring parental consent for the medical treatment of minors";

(5) In its opinion in the case of *Parham v. J.R.*, 442 U.S. 584 (1979), the United States supreme court wrote, "Simply because the decision of a parent is not agreeable to a child, or because it involves risks, does not automatically transfer the power to make that decision from the parents to some agency or officer of the state. The same characterizations can be made for a tonsillectomy, appendectomy, or other medical procedure. Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments."; and

(6) In the case of *Troxel v. Granville*, 530 U.S. 57 (2000), Justice O'Connor wrote for the United States supreme court, "The Fourteenth Amendment's Due Process Clause has a substantive component that 'provides heightened protection against government interference with certain fundamental rights and liberty interests,' *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children".

(b) As used in this section:

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

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health, and that is authorized to administer vaccinations in this state;

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Is in need of emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States, or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(4) "Vaccination" means the act of introducing a vaccine into the body; and

(5) "Vaccine" means a substance intended for use in humans to stimulate the body's immune response against an infectious disease or pathogen.

(c)

(1) This section does not apply to individuals experiencing abuse as defined in § 37-1-102.

(2) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives written informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent.

(3) An employee or agent of this state shall not provide, request, or facilitate the vaccination of a minor child who is in the custody of this state unless:

(A) A parent or legal guardian of the minor has provided prior written informed consent to the vaccination; or

(B) The parental rights of each of the minor's parents or legal guardians have been terminated by a court, and all opportunities for appeal have been exhausted.

(4) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law.

(5) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(d) To the extent this section conflicts with another law, this section controls.

SECTION 3. Tennessee Code Annotated, Section 14-4-103(a), is amended by deleting "Except as provided in subsection (b), a healthcare provider" in subsection (a) and substituting instead "A healthcare provider".

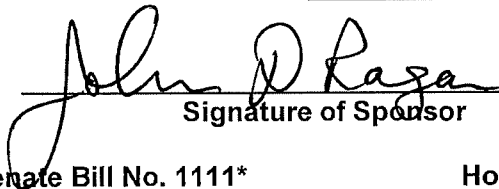
SECTION 4. Tennessee Code Annotated, Section 14-4-103, is amended by deleting subsection (b).

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 6. The department of health is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act takes 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. 1111\*

**House Bill No. 1380**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Mature Minor Doctrine Clarification Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The general assembly finds and declares the following:

(1) The National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa-26) requires, prior to the administration of a vaccine listed in the vaccine injury table to a minor, that healthcare providers provide the vaccine information statement from the centers for disease control and prevention to the legal representatives of the minor;

(2) The Tennessee supreme court's decision in *Cardwell v. Bechtol*, 724 S.W.2d 739 (1987), found that the mature minor exception, guided by the "Rule of Sevens," is part of Tennessee common law, but only in the context of tort law and jury considerations, and not the general rule requiring parental consent for the medical treatment of minors;

(3) The *Cardwell* court stated, "Adoption of the mature minor exception to the common law rule is by no means a general license to treat minors without parental consent and its application is dependent on the facts of each case. It must be seen in the context of the tort in question.";

(4) Despite its holding in the case, the *Cardwell* court declined to alter



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the general rule, which is "requiring parental consent for the medical treatment of minors";

(5) In its opinion in the case of *Parham v. J.R.*, 442 U.S. 584 (1979), the United States supreme court wrote, "Simply because the decision of a parent is not agreeable to a child, or because it involves risks, does not automatically transfer the power to make that decision from the parents to some agency or officer of the state. The same characterizations can be made for a tonsillectomy, appendectomy, or other medical procedure. Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments.";

(6) In the case of *Troxel v. Granville*, 530 U.S. 57 (2000), Justice O'Connor wrote for the United States supreme court, "The Fourteenth Amendment's Due Process Clause has a substantive component that 'provides heightened protection against government interference with certain fundamental rights and liberty interests,' *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children"; and

(7) Section 49-6-5001(c)(3) states that no child or youth determined to be homeless shall be denied admission to any school or school facility if the child or youth has not yet been immunized or is unable to produce immunization records due to being homeless. The enrolling school shall comply with any and all federal laws pertaining to the educational rights of homeless children and youth, including the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.).

(b) As used in this section:

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

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health, and that is authorized to administer vaccinations in this state;

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Is in need of emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States, or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(4) "Vaccination" means the act of introducing a vaccine into the body; and

(5) "Vaccine" means a substance intended for use in humans to stimulate the body's immune response against an infectious disease or pathogen.

(c)

(1) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives written informed consent from a parent or legal guardian of the minor. The healthcare provider shall



document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent.

(2) An employee or agent of this state shall not provide, request, or facilitate the vaccination of a minor child who is in the custody of this state unless:

(A) A parent or legal guardian of the minor has provided prior written informed consent to the vaccination; or

(B) The parental rights of each of the minor's parents or legal guardians have been terminated by a court, and all opportunities for appeal have been exhausted.

(3) A minor in state custody must not be denied admission to any school or school facility based on the minor not having been immunized or not being able to produce immunization records because an employee or agent did not provide, request, or facilitate a vaccination pursuant to subdivision (c)(2).

(4) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law.

(5) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(d) To the extent this section conflicts with another law, this section controls.

SECTION 3. Tennessee Code Annotated, Section 14-4-103, is amended by deleting the section and substituting:

A healthcare provider shall not provide a patient who is a minor with a COVID-

19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. The department of health is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1111\***

**House Bill No. 1380**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Mature Minor Doctrine Clarification Act."

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The general assembly finds and declares the following:

(1) The National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa-26) requires, prior to the administration of a vaccine listed in the vaccine injury table to a minor, that healthcare providers provide the vaccine information statement from the centers for disease control and prevention to the legal representatives of the minor;

(2) The Tennessee supreme court's decision in *Cardwell v. Bechtol*, 724 S.W.2d 739 (1987), found that the mature minor exception, guided by the "Rule of Sevens," is part of Tennessee common law, but only in the context of tort law and jury considerations, and not the general rule requiring parental consent for the medical treatment of minors;

(3) The *Cardwell* court stated, "Adoption of the mature minor exception to the common law rule is by no means a general license to treat minors without parental consent and its application is dependent on the facts of each case. It must be seen in the context of the tort in question.";

(4) Despite its holding in the case, the *Cardwell* court declined to alter



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the general rule, which is "requiring parental consent for the medical treatment of minors";

(5) In its opinion in the case of *Parham v. J.R.*, 442 U.S. 584 (1979), the United States supreme court wrote, "Simply because the decision of a parent is not agreeable to a child, or because it involves risks, does not automatically transfer the power to make that decision from the parents to some agency or officer of the state. The same characterizations can be made for a tonsillectomy, appendectomy, or other medical procedure. Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments.";

(6) In the case of *Troxel v. Granville*, 530 U.S. 57 (2000), Justice O'Connor wrote for the United States supreme court, "The Fourteenth Amendment's Due Process Clause has a substantive component that 'provides heightened protection against government interference with certain fundamental rights and liberty interests,' *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children[.]"; and

(b) As used in this section:

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

(2) "Healthcare provider" means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health, and that is authorized to administer vaccinations in this state;

(3) "Minor":

(A) Means an individual who has not attained eighteen (18) years of age; and

(B) Does not include an individual who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Is in need of emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States, or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child;

(4) "Vaccination" means the act of introducing a vaccine into the body; and

(5) "Vaccine" means a substance intended for use in humans to stimulate the body's immune response against an infectious disease or pathogen.

(c)

(1) A healthcare provider shall not provide a vaccination to a minor unless the healthcare provider first receives written informed consent from a parent or legal guardian of the minor. The healthcare provider shall document receipt of, and include in the minor's medical record proof of, such prior parental or guardian informed consent.

(2) An employee or agent of this state shall not provide, request, or facilitate the vaccination of a minor child who is in the custody of this state unless:

(A) A parent or legal guardian of the minor has provided prior written informed consent to the vaccination; or

(B) The parental rights of each of the minor's parents or legal guardians have been terminated by a court, and all opportunities for appeal have been exhausted.

(3) A violation of this section is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law.

(4) If the licensing authority of a healthcare provider receives information of a violation or potential violation of this section by the healthcare provider, then the licensing authority shall conduct an immediate investigation and take appropriate disciplinary action.

(d) To the extent this section conflicts with another law, this section controls.

SECTION 3. Tennessee Code Annotated, Section 14-4-103, is amended by deleting the section and substituting:

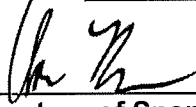
A healthcare provider shall not provide a patient who is a minor with a COVID-19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

SECTION 4. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. The department of health may promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. This act takes 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. 858**

**House Bill No. 952\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-11-202, is amended by deleting subdivision (a)(1) and substituting:

(1) The commission is empowered to license and regulate hospitals, recuperation centers, nursing homes, homes for the aged, residential HIV supportive living facilities, assisted-care living facilities, assisted-care living facility administrators, home care organizations, residential hospices, birthing centers, prescribed child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes.

SECTION 2. Tennessee Code Annotated, Section 68-11-203, is amended by deleting subdivision (b)(4) and substituting:

(4) A majority of members, not including vacant positions on the board, constitutes a quorum for the transaction of all business. For purposes of contested case hearings and disciplinary matters, three (3) or more members constitute a quorum, and the board chairperson is authorized, when it is deemed necessary, to split the board into panels of three (3) or more members each to conduct contested case hearings or disciplinary matters. A majority vote of the members present on a duly constituted panel is required to authorize board action in disciplinary matters and contested case hearings. The board chairperson has the authority to appoint board members to serve, as necessary, on the panels regardless of the professional category from which the appointed member was chosen or the member's status as a physician, administrator, or



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citizen member. The existence of a non-physician or non-administrator board member creates no rights in any individual concerning the composition of a panel in any disciplinary matter or contested case hearing. Notwithstanding § 4-5-314(e) to the contrary, the unavailability of a member of a panel before rendition of a final order shall not require the substitution of another member unless the unavailability results in there being less than the quorum required by this subdivision (b)(4) for contested case hearings or disciplinary matters. A substitute shall use any existing record and may conduct further proceedings as is necessary in the interest of justice.

SECTION 3. Tennessee Code Annotated, Section 68-11-206, is amended by adding the following as a new subsection:

(d)

(1) This subsection (d) controls the recovery and collection of civil monetary penalties for which a facility or individual is liable under this part.

(2) An action to recover or collect a civil monetary penalty owed pursuant to this part shall not be taken until:

(A) The facility or individual has waived the right to a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3;

(B) The time allowed for the facility or individual to demand a contested case hearing has expired without a demand being made or a denial filed; or

(C) A final administrative order has been entered pursuant to § 4-5-314.

(3) If the full amount of the civil monetary penalty owed pursuant to this part has not been received in full within sixty (60) days from the occurrence of an event described in subdivision (d)(2), or received by the due date specified by order, then the executive director of the health facilities commission shall



immediately proceed to recover such amount, plus interest computed at the applicable formula rate as defined in § 47-14-102, retroactive to the earliest date of occurrence of an event described in subdivision (d)(2), by one (1) or more of the following means:

(A) Directing the reduction of the amount owed from any balance otherwise due from the state to the facility and directing a remittance of the amount to the health facilities commission;

(B) Adding such amounts to the licensing fee, with renewal of the license pursuant to subdivision (a)(8) and § 68-11-216 contingent upon the prior payment of such costs; or

(C) Bringing an action in circuit or chancery court to recover such amounts.

SECTION 4. Tennessee Code Annotated, Section 68-11-207, is amended by deleting subdivision (f)(8) and substituting:

(8) A single period of probation for a facility shall not extend beyond twelve (12) months. If the board determines during or at the end of the probation period that the facility is not taking steps to correct noncompliance or otherwise not responding in good faith pursuant to the plan of correction, then the board may take additional action as authorized by law. The executive director may, by written order, extend the probationary period.

SECTION 5. Tennessee Code Annotated, Section 68-11-208, is amended by deleting subsection (a) and substituting:

(a)

(1) The commission and each board, committee, or council established in this title that does not already have authority to utilize screening panels may utilize one (1) or more screening panels in its investigative and disciplinary

process to assure that complaints filed and investigations conducted are meritorious and appropriate.

(2) The activities of a screening panel and any mediation or arbitration sessions shall not be construed as an open meeting of an agency for purposes of title 8, chapter 44, and remain confidential. The members of a screening panel, mediators, and arbitrators have a deliberative privilege and the same immunity as provided by law for the boards and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution, or civil lawsuit that may result from or that is incident to cases processed before the panel.

(3) A screening panel has the authority to administer an oath to witnesses. Any documents or records produced at the screening panel are exempt from disclosure as a public record pursuant to title 10, chapter 7, until there is a filing of a notice of charges and such documents or records form the basis for the filing of a notice of charges.

(4) Members of a screening panel may be drawn from among the membership of the relevant board, and members may be appointed by the relevant board. Non-board members must meet the requirements of membership for the relevant board and may include a consumer member. A board member serving on a panel shall not participate in a contested case involving any matter heard by the panel.

(5) Each screening panel must be instructed as to the statutes, rules, and philosophies of the relevant board as it pertains to disciplinary action and procedures that must be followed by the panel. Each screening panel must be provided a copy of Tennessee Supreme Court Rule 31 for review by members of the screening panel for general guidance as to the principles of mediation and alternative dispute resolution.

(6) A board shall not compel any party to participate in a screening panel, and no prejudice is incurred if a party chooses not to participate in a screening panel or to accept the offer of a screening panel.

SECTION 6. Tennessee Code Annotated, Section 68-11-213, is amended by deleting subsection (b) and substituting:

(b)

(1) Within five (5) working days after concluding an inspection or investigation, the executive director may initiate type A civil penalty proceedings by mailing a notice to the facility, stating the executive director's decision to suspend the admissions of new patients.

(2) Within ten (10) working days after concluding an inspection or investigation, the health facilities commission shall mail to the nursing home the executive director's order, which must detail the alleged facts and pertinent law with particularity, and must also inform the nursing home of its right to contest the action.

SECTION 7. Tennessee Code Annotated, Section 68-11-814, is amended by deleting the section and substituting:

(a) Within five (5) working days after concluding an inspection or investigation, the health facilities commission may initiate type B or type C civil penalty proceedings by mailing to the nursing home a written statement citing the provisions of §§ 68-11-801 — 68-11-805 that the health facilities commission alleges to have been violated, stating the amount of the penalty being assessed, and informing the facility of its right to contest the penalty.

(b) Within ten (10) working days after concluding an inspection or investigation, the health facilities commission shall mail to the nursing home a more detailed statement describing the findings with particularity and citing the law with specificity.

SECTION 8. Tennessee Code Annotated, Section 68-11-1618, is amended by deleting subdivision (b)(2) and substituting:

(2) Subdivision (b)(1) does not prohibit change of control as described in subdivision (b)(1), if the commission determines, upon petition of the prospective owner or owners of the entity, that the prospective owner or owners demonstrate that the owner or owners will provide health care that meets appropriate quality standards, and that the transfer would not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups.

SECTION 9. Tennessee Code Annotated, Section 68-1-120, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Title 68, Chapter 11, Part 8, is amended by adding the following as a new section:

The executive director of the health facilities commission shall submit a report no later than February 1 of each year to the governor, the chief clerk of the house of representatives, and the chief clerk of the senate, regarding the commission's nursing home inspection and enforcement activities during the previous year. The report must analyze trends in compliance with nursing home standards and residents' rights by nursing homes in this state, and must be limited to identifying those trends through aggregate and quantitative data only. In preparing the report, the executive director may utilize quantitative data compiled by nursing homes pursuant to federal or state regulations. The executive director shall ensure that the report is promptly made available to the public by dissemination via the internet and that the report is available for members of the public to copy.

SECTION 11. Tennessee Code Annotated, Section 68-11-236, is amended by deleting "department of health" wherever it appears and substituting "health facilities commission"; and

by deleting "department" and substituting "commission" in subdivision (c)(3), subsection (d), subsection (e), and subdivision (f)(3).

SECTION 12. Tennessee Code Annotated, Section 68-11-237, is amended by deleting "department of health" wherever it appears and substituting "health facilities commission"; and by deleting "department" and substituting "commission" in subdivision (c)(3), subsection (d), subsection (e), and subdivision (f)(3).

SECTION 13. Tennessee Code Annotated, Section 68-11-203(a)(1), is amended by deleting the language "ex officio members, namely".

SECTION 14. Tennessee Code Annotated, Section 68-140-319, is amended by deleting subdivisions (1)(C) and (1)(D) and substituting:

(C) Notwithstanding another law to the contrary, an ambulance service provider shall furnish to a patient or a patient's authorized representative a copy of the patient's run record or records within five (5) business days upon request in writing by the patient or the representative, and shall furnish a copy of a patient's run record or records to a surveyor employed by the health facilities commission within five (5) business days upon request in writing by the surveyor or health facilities commission staff; and

(D) Except as otherwise provided by law, such patient's run record or records are not a public record, and this part does not impair any privilege of confidentiality conferred by law on patients, their personal representatives, or heirs. This subdivision (1)(D) does not impair or abridge the right of the patient or the patient's authorized representative to obtain copies of the patient's hospital records in the manner provided in § 68-11-304. This subdivision (1)(D) does not prohibit a health facilities commission surveyor investigating an incident in a certified or licensed healthcare facility from obtaining a copy of this record without a subpoena incident to a health facility investigation. This subdivision (1)(D) does not prohibit a patient's run record or records from being subpoenaed by a court of competent jurisdiction. As used in this subdivision

(1), "run record" includes any list of patients that is compiled or maintained by or for such patient's ambulance service provider, but does not include the dispatch log; and

SECTION 15. Tennessee Code Annotated, Section 71-2-116, is amended by deleting subsection (d) and substituting:

The executive director shall appoint the council membership after consulting with the Tennessee Hospice Association, Tennessee Hospital Association, Tennessee Medical Association, Tennessee Nursing Association, Tennessee Health Care Association, Tennessee Association of Home Care, and the Tennessee Chapter of the American Cancer Society and shall include interdisciplinary palliative care medical, nursing, social work, pharmacy, and spiritual professional expertise; patient and family caregiver advocate representation; and any other relevant appointees the executive director determines appropriate. The council consists of no more than twelve (12) members. The executive director shall consider the racial, geographic, urban/rural, and economic diversity of the state when appointing members. Membership must specifically include health professionals having palliative care work experience or expertise in palliative care delivery models in a variety of inpatient, outpatient, and community settings such as acute care, long-term care, and hospice, and with a variety of populations, including pediatric, youth, and adult. At least one (1) council member must be a board-certified hospice and palliative medicine physician; at least one (1) council member must be a licensed certified registered nurse practitioner with expertise in palliative care; one (1) council member must be the executive director of the health facilities commission, or the executive director's designated representative; and one (1) council member must be from the department of health. Council members are appointed for a term of three (3) years. The members shall elect a chair and vice chair, whose duties are established by the council. The council shall fix a time and place for regular meetings and shall meet no less than twice yearly.

SECTION 16. Tennessee Code Annotated, Section 71-2-117, is amended by deleting from subdivision (c)(1) the language "sixteen (16) members" and substituting "seventeen (17) members"; and by inserting the following as a new subdivision immediately preceding subdivision (c)(1)(N) and redesignating the remaining subdivisions accordingly:

( ) The executive director of the Tennessee health facilities commission;

SECTION 17. Tennessee Code Annotated, Section 68-11-201(1), is amended by deleting "by the board" and substituting "by the commission".

SECTION 18. Tennessee Code Annotated, Section 68-11-201(2), is amended by deleting "by the board" and substituting "by the commission".

SECTION 19. Tennessee Code Annotated, Section 68-11-201(4)(C)(iii), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 20. Tennessee Code Annotated, Section 68-11-201(4)(C)(v), is amended by deleting "the board" wherever it appears and substituting "the commission".

SECTION 21. Tennessee Code Annotated, Section 68-11-201(4)(C)(vi), is amended by deleting "The board shall" and substituting "The commission shall".

SECTION 22. Tennessee Code Annotated, Section 68-11-201(5)(A), is amended by deleting "authority of the board or the commission" and substituting "authority of the commission".

SECTION 23. Tennessee Code Annotated, Section 68-11-201(5)(D), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 24. Tennessee Code Annotated, Section 68-11-201(5)(F), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 25. Tennessee Code Annotated, Section 68-11-201(17), is amended by deleting "created by § 68-11-1604" and substituting "created by this part".

SECTION 26. Tennessee Code Annotated, Section 68-11-201(19)(D), is amended by deleting "The board shall" and substituting "The commission shall"; and by deleting "authorized by the board" and substituting "authorized by the commission".

SECTION 27. Tennessee Code Annotated, Section 68-11-201(20)(B), is amended by deleting "the board" wherever it appears and substituting "the commission"; by deleting "The board" wherever it appears and substituting "The commission"; and by deleting "the board's" and substituting "the commission's".

SECTION 28. Tennessee Code Annotated, Section 68-11-201(28)(D), is amended by deleting "The board has" and substituting "The commission has".

SECTION 29. Tennessee Code Annotated, Section 68-11-201(40)(C), is amended by deleting "purview of the board" and substituting "purview of the commission".

SECTION 30. Tennessee Code Annotated, Section 68-11-201(42), is amended by deleting "in regulations promulgated by the board" and substituting "in rules promulgated by the commission".

SECTION 31. Tennessee Code Annotated, Section 68-11-201(44), is amended by deleting "The board shall establish, by rules and regulations" and substituting "The commission shall establish by rule".

SECTION 32. Tennessee Code Annotated, Section 68-11-201(45), is amended by deleting "in regulations promulgated by the board" and substituting "in rules promulgated by the commission".

SECTION 33. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivisions (9) and (13).

SECTION 34. Tennessee Code Annotated, Section 68-11-201, is amended by inserting the following as new subdivisions:

( ) "Conflict of interest" means a matter before the commission in which the member or employee of the commission has a direct interest or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

( ) "Direct interest" means a pecuniary interest in the persons involved in a matter before the commission, and applies to the commission member or employee, the



commission member's or employee's relatives, or an individual with whom or business in which the member or employee has a pecuniary interest. As used in this subdivision ( ), "relative" means a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage, or adoption;

( ) "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

( ) "Indirect interest" means a personal interest in the persons involved in a matter before the commission that is in conflict with the discharge of the commission member's or employee's duties;

( ) "Needs assessment" means an annual report that measures access to health care in this state, particularly as to emergency and primary care; identifies access gaps; and serves to inform the criteria and standards for the issuance of certificates of need;

( ) "Nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics that offer:

(A) Methadone;

(B) Products containing buprenorphine, such as Subutex and Suboxone;

or

(C) Products containing another formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

( ) "Nursing home bed" means:

(A) A licensed bed within a nursing home, regardless of whether the bed is certified for medicare or medicaid services; and

(B) A bed at a healthcare institution that is used as a swing bed under 42 C.F.R. § 485.645;

( ) "Rehabilitation facility" means an inpatient or residential facility that is operated for the primary purpose of assisting in the rehabilitation of physically disabled

persons through an integrated program of medical and other services that are provided under professional supervision;

SECTION 35. Tennessee Code Annotated, Section 68-11-202, is amended by deleting subdivision (a)(2).

SECTION 36. Tennessee Code Annotated, Section 68-11-202, is amended by deleting "the board" wherever it appears and substituting "the commission"; by deleting "The board" wherever it appears and substituting "The commission"; by deleting "the board's" wherever it appears and substituting "the commission's"; and by deleting "board-regulated facility" wherever it appears and substituting "commission-regulated facility".

SECTION 37. Tennessee Code Annotated, Section 68-11-203, is amended by deleting the section and substituting:

(a) There is created a health facilities commission that has jurisdiction and powers relating to the licensing and regulation of healthcare facilities, as described in § 68-11-202; the certificate of need program described in part 16 of this chapter; the development of the criteria and standards to guide the commission when issuing certificates of need; conducting of studies related to health care, which must include a needs assessment; and related reporting of healthcare institutions subject to this chapter.

(b)

(1) The commission consists of fifteen (15) members, including:

(A) The comptroller of the treasury, or an employee of the office of the comptroller of the treasury, designated by the comptroller;

(B) The executive director of the commission on aging and disability, or an employee of the commission on aging and disability, designated by the director;

(C) The director of TennCare, or an employee of the division of TennCare, designated by the director;

(D) Four (4) members appointed by the speaker of the senate, to include:

(i) One (1) consumer member;

(ii) One (1) individual who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(iii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by interested healthcare groups, including, but not limited to, the Tennessee Health Care Association; and

(iv) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association;

(E) Four (4) members appointed by the speaker of the house of representatives, to include:

(i) One (1) consumer member;

(ii) One (1) individual who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(iii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by

interested healthcare groups, including, but not limited to, the Tennessee Health Care Association; and

(iv) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association; and

(F) Four (4) members appointed by the governor, to include:

(i) One (1) registered nurse, who may be appointed from lists of qualified persons submitted by interested groups, including, but not limited to, the Tennessee Nurses Association;

(ii) One (1) representative of the home care industry who may be appointed from lists of qualified persons submitted by interested home care groups, including, but not limited to, the Tennessee Association for Home Care. The initial term for the home care industry representative is two (2) years. Upon the expiration of that term, the home care industry representative is appointed for a three-year term pursuant to subsection (c);

(iii) One (1) representative of the assisted-care living facility industry; and

(iv) One (1) representative of the ambulatory surgical treatment center industry.

(2) The governor and each speaker shall consult with interested groups, including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions with the commission.

(3) In making appointments to the health facilities commission, the governor and the speakers shall strive to ensure that racial minorities, females,

persons sixty (60) years of age and older, and the three (3) grand divisions are represented.

(4) The consumer members must be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in healthcare facility design or construction, financing of healthcare services or construction, reimbursement of healthcare services, or general healthcare economics. The consumer members shall not be a direct provider of healthcare goods or services.

(c)

(1) A member of the commission shall not serve beyond the expiration of the member's term, whether or not a successor has been appointed by the governor or the speakers of the senate and the house of representatives.

(2)

(A) Except as otherwise provided in subdivisions (c)(2)(B) and (C), commission members are appointed for three-year terms. A commission member may serve consecutive terms, and there is no limit upon the number of consecutive or non-consecutive terms that a member may serve.

(B) The comptroller of the treasury, the executive director of the commission on aging and disability, and the director of TennCare, or their respective designees, are not limited to a term of years.

(C) In order to stagger the initial terms of the consumer members of the commission, the following initial terms apply:

(i) The initial term for the consumer member appointed pursuant to subdivision (b)(1)(D)(i) is three (3) years; and

(ii) The initial term for the consumer member appointed pursuant to subdivision (b)(1)(E)(i) is two (2) years.

(3) If a member is absent from three (3) consecutive, regularly scheduled public meetings of the commission, then the individual's membership is automatically terminated, and the position is considered vacant.

(d)

(1) Each member of the commission shall be reimbursed for all travel and other necessary expenses.

(2) Expenditures must be claimed and paid in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(e)

(1) At the first meeting in each even-numbered year, the commission shall elect officers. The chair of the commission must be a consumer member to serve a term as chair for two (2) years. A member shall not serve more than two (2) consecutive terms as chair. A member of the commission may serve as vice chair, which is a term of two (2) years. A member shall not serve more than two (2) consecutive terms as vice chair.

(2) Meetings of the commission must be held as frequently as its duties may require, and no less frequently than eight (8) times each fiscal year.

(3) A majority of appointed members, not including vacant positions, constitutes a quorum.

(4) An action of the commission is not effective unless the action is concurred in by a majority of commission members present and voting.

(5) The chair may only vote if there is a tie among the other members present and voting.

(6) The commission shall record by name the votes taken on all actions of the commission.

(7)

(A) All commission members shall annually review and sign a statement acknowledging the statute, rules, and policies concerning conflicts of interest.

(B)

(i) A member, upon determining that a matter scheduled for consideration by the commission results in a conflict with a direct interest, shall immediately notify the executive director and is recused from any deliberation of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter. The member shall join the public during the proceedings.

(ii) A member with an indirect interest shall publicly acknowledge such interest, unless the member is recused from deliberation on, making a recommendation regarding, testifying concerning, or voting on the matter.

(iii) All members shall make every reasonable effort to avoid even the appearance of a conflict of interest. If a member is uncertain whether the relationship justifies recusal, then the member shall follow the determination by the legal counsel for the commission.

(iv) A determination by the commission or a court that a member of the commission with a direct interest failed to provide notice and be recused from deliberations of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter, results in the member's automatic termination from the commission and the position is considered vacant. The member is not eligible for appointment to

any commission, board, or commission of this state for a period of two (2) years.

(v) The executive director, upon determining that a conflict exists for the executive director or a member of the staff, shall notify the chair of the commission and take such action as the chair prescribes and pursuant to this part.

(f) In addition to the powers granted elsewhere in this part, the commission has the duty and responsibility to:

(1) Promulgate rules and policies deemed necessary by the commission for the fulfillment of its duties and responsibilities under this part;

(2) Promulgate rules and policies deemed necessary by the commission for the fulfillment of its duties and responsibilities under part 16 of this chapter, including, but not limited to, criteria to guide the commission in the issuance of certificates of need;

(3) Conduct studies related to health care, including a needs assessment that must be updated at least annually; and

(4) Contract when necessary for the development of criteria and standards to guide the commission when issuing certificates of need and for the implementation of the certificate of need program described in this part.

SECTION 38. Tennessee Code Annotated, Section 68-11-204, is amended by deleting subsection (c) and substituting:

(c) The commission, in its discretion, is authorized to issue licenses to several licensees in such form as it may deem necessary to distinguish between and identify any of the facilities required to be licensed by the commission.

SECTION 39. Tennessee Code Annotated, Section 68-11-206, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" wherever it appears and substituting "The commission".



SECTION 40. Tennessee Code Annotated, Section 68-11-207, is amended by deleting subdivision (j)(7) and substituting:

(7) Commission administrative staff shall maintain a file of reported complaints.

The file must include the name of the facility against whom the complaint is filed, the date the complaint is filed, the action taken by the commission, if any, on the complaint, and the date of the action taken.

SECTION 41. Tennessee Code Annotated, Section 68-11-207, is amended by deleting "The board" wherever it appears and substituting "The commission"; by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "the board's" in subsection (g) and substituting "the commission's".

SECTION 42. Tennessee Code Annotated, Section 68-11-208, is amended by deleting the section and substituting:

(a) Any licensee, or applicant for a license, aggrieved by a decision or action of the commission pursuant to this part may request a hearing before the commission.

(b) These proceedings and judicial review of the commission's decision must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The chair of the health facilities commission may appoint a five-member ad hoc litigation committee composed of members of the commission when deemed necessary by the chair or the commission.

SECTION 43. Tennessee Code Annotated, Section 68-11-210, is amended by deleting subdivision (c)(4) and substituting:

(4) The commission, under part 1 of this chapter, the board of examiners for nursing home administrators, under title 63, chapter 16, and any hospital authority, under title 7, chapter 57, shall conduct one (1) joint inspection for each licensing period or shall accept the investigation of one (1) of such entities, under subdivision (c)(3), unless otherwise required by federal law or regulation.

SECTION 44. Tennessee Code Annotated, Section 68-11-210, is amended by deleting "The board" wherever it appears in subsections (a) and (b) and substituting "The commission"; and by deleting "the board" wherever it appears in subsections (a) and (b) and subdivision (c)(3)(E) and substituting "the commission".

SECTION 45. Tennessee Code Annotated, Section 68-11-211, is amended by deleting subdivision (a)(2) and substituting:

(2) "Commission" means the health facilities commission;

SECTION 46. Tennessee Code Annotated, Section 68-11-213, is amended by deleting "board for licensing health care facilities" from subdivision (i)(2) and substituting "health facilities commission"; by deleting "The board" wherever it appears in subsection (j) and substituting "The commission"; by deleting "the board" wherever it appears in subsections (k) and (l) and substituting "the commission"; and by deleting "the board's" from subdivision (k)(2) and substituting "the commission's".

SECTION 47. Tennessee Code Annotated, Section 68-11-214, is amended by deleting "the board" from subdivision (a)(1) and substituting "the commission".

SECTION 48. Tennessee Code Annotated, Section 68-11-215, is amended by deleting "the board" from subsection (b) and substituting "the commission".

SECTION 49. Tennessee Code Annotated, Section 68-11-216, is amended by deleting "The board" from subdivision (a)(1) and substituting "The commission"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 50. Tennessee Code Annotated, Section 68-11-222, is amended by deleting subdivision (b)(1).

SECTION 51. Tennessee Code Annotated, Section 68-11-223, is amended by deleting "The board" from subdivision (b)(2) and substituting "The commission"; and by deleting "the board" wherever it appears in subsection (b) and substituting "the commission".

SECTION 52. Tennessee Code Annotated, Section 68-11-224, is amended by deleting "the board" from subdivision (e)(2) and substituting "the commission"; and by deleting "board for

licensing health care facilities" wherever it appears and substituting "health facilities commission".

SECTION 53. Tennessee Code Annotated, Section 68-11-225, is amended by deleting "the board's" from subsection (e) and substituting "the commission's"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 54. Tennessee Code Annotated, Section 68-11-226(a), is amended by deleting "the board's staff" and substituting "the commission's staff"; by deleting "requirements of the board" and substituting "requirements of the commission"; and by deleting "The board" wherever it appears and substituting "The commission".

SECTION 55. Tennessee Code Annotated, Section 68-11-235, is amended by deleting "the board" wherever it appears and substituting "the commission".

SECTION 56. Tennessee Code Annotated, Section 68-11-236(i), is amended by deleting "the board" and substituting "the commission".

SECTION 57. Tennessee Code Annotated, Section 68-11-237(i), is amended by deleting "the board" and substituting "the commission".

SECTION 58. Tennessee Code Annotated, Section 68-11-244(f), is amended by deleting "board for licensing healthcare facilities" and substituting "health facilities commission".

SECTION 59. Tennessee Code Annotated, Section 68-11-251, is amended by deleting the section and substituting:

(a) The health facilities commission shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to provide optimal emergency medical and surgical services for pediatric patients in facilities it licenses and has the authority, when funding is available, to obtain assistance with development and implementation of its standards and to support delivery of educational services and equipment to providers of emergency pediatric medical services in facilities it licenses. In developing, updating, and implementing rules and providing services and equipment, the commission shall use national standards as a guide and shall collaborate with the

emergency medical services division and its board and the committee on pediatric emergency care created pursuant to subsection (e).

(b) It is the intent of this section that the entire spectrum of emergency pediatric medical and critical care services, including primary prevention of illness and injury, a statewide pediatric trauma system, disaster planning and management, acute care, data analysis, evaluation of potential standards of care, and rehabilitation be incorporated into the rules and into any services and equipment provided or required to be furnished pursuant to this section or any grant or contract awarded under this section.

(c) The rules authorized by this section must require adequate emergency medical care for children relative to the following, must take into account the size and location of facilities, and must require appropriate triage, stabilization, and referral of patients:

- (1) Facility equipment standards;
- (2) Qualifications of facility personnel; and
- (3) Continuing professional education of facility personnel.

(d) To assist in the implementation of the purposes of this section, the health facilities commission has the authority to solicit and receive grants, donations, and public and private funding. The funding may be used for grants or contracts with 501(c)(3) organizations, as defined in 26 U.S.C. § 501(c)(3), that are capable of providing the advice, services, and equipment necessary to assist in the provision of state-of-the-art emergency medical and critical care for ill or injured pediatric patients.

(e)

(1) The committee on pediatric emergency care consists of those members who were originally jointly appointed by the board of licensing health care facilities and the emergency medical services board, and those who are chosen by the health facilities commission and the emergency medical services board to replace them, to include representatives of the following organizations:

(A) Tennessee Hospital Association;

(B) Tennessee chapter of the American Academy of Pediatrics;

(C) Tennessee chapter of the American College of Surgeons;

(D) Tennessee chapter of the American College of Emergency Physicians;

(E) Tennessee chapter of the American Academy of Family Physicians;

(F) Tennessee chapter of the Emergency Nurses Association;

(G) Tennessee Ambulance Service Association;

(H) Rural Health Association of Tennessee;

(I) Tennessee School Nurses Association;

(J) Tennessee Congress of Parents and Teachers (PTA);

(K) Tennessee Emergency Services Education Association;

(L) Comprehensive regional pediatric centers (CRPCs); and

(M) Other persons or representatives of such other organizations, groups, or entities that the chairs of the health facilities commission and the emergency medical services board agree are necessary to accomplish the purposes of this section.

(2) In forming its recommendations to the commission, the committee shall have access to the department of health's existing raw and analyzed data regarding pediatric emergency care issues.

(f) On or before July 1 of every year, the health facilities commission and the emergency medical services board, in collaboration with the committee on pediatric emergency care, shall jointly prepare a report on the current status of emergency medical services for children and on continuing efforts to improve such services. The health facilities commission and emergency medical services board shall submit the joint

report to the health and welfare committee of the senate, the health committee of the house of representatives, and the judiciary committee of the senate.

SECTION 60. Tennessee Code Annotated, Section 68-11-252, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" wherever it appears and substituting "The commission".

SECTION 61. Tennessee Code Annotated, Section 68-11-258, is amended by deleting "The board shall" and substituting "The health facilities commission shall".

SECTION 62. Tennessee Code Annotated, Section 68-11-259, is amended by deleting "The board" wherever it appears and substituting "The commission"; and by deleting "the board" wherever it appears and substituting "the commission".

SECTION 63. Tennessee Code Annotated, Section 68-11-270, is amended by deleting "the board" wherever it appears and substituting "the commission"; and by deleting "The board" from subsection (n) and substituting "The commission".

SECTION 64. Tennessee Code Annotated, Section 68-11-271, is amended by deleting "board for licensing health care facilities" from subsection (f) and substituting "health facilities commission".

SECTION 65. Tennessee Code Annotated, Section 68-11-273(a), is amended by deleting "the board" and substituting "the commission".

SECTION 66. Tennessee Code Annotated, Section 68-11-1604, is amended by deleting the section.

SECTION 67. Tennessee Code Annotated, Section 68-11-1606, is amended by deleting the section.

SECTION 68. Tennessee Code Annotated, Section 68-140-102(1), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 69. Tennessee Code Annotated, Section 68-140-201, is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 70. Tennessee Code Annotated, Section 68-140-321(a), is amended by deleting "and health care facilities board".

SECTION 71. Tennessee Code Annotated, Section 68-140-321(e), is amended by deleting "board for licensing health care facilities" and substituting "health facilities commission".

SECTION 72. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

**68-11-277.**

(a) The commission shall appoint an executive director qualified by education and experience. The executive director must demonstrate knowledge and experience in the areas of public administration and health policy development. The executive director of the commission on June 30, 2026, will remain executive director on July 1, 2026, without the need for reappointment by the commission.

(b) The executive director is the chief administrative officer of the commission, exercising general supervision over all persons employed by the commission. The commission's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The commission shall fix the salary of the executive director; any adjustments to the executive director's salary due to administration changes to multiple employees in the executive director's job classification do not require commission approval. The commission has the sole authority to appoint, terminate, and control the work of the executive director. The executive director has the exclusive authority to appoint, terminate, and control staff employees. The commission's employees are executive service and serve at the pleasure of the executive director.

(c) The executive director has the following duties:

- (1) Administering the licensure and regulation program under this part;
- (2) Administering the certificate of need program under part 16 of this chapter;

(3) Administering the development of criteria and standards to guide the commission when issuing certificates of need;

(4) Conducting studies related to health care;

(5) Representing the commission before the general assembly;

(6) Overseeing the issuance of responses to requests for determination regarding the applicability of this part;

(7) Issuing exemptions from the requirement that a certificate of need be obtained for the relocation of existing or certified facilities providing healthcare services and healthcare institutions under § 68-11-1607(a)(4);

(8) Keeping a written record of proceedings and transactions of the commission, which must be open to public inspection during regular office hours;

(9) Preparing the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the commission;

(10) Employing personnel, within the commission's budget, to assist in carrying out this part;

(11) Carrying out policies and rules that are promulgated by the commission and supervising the expenditure of funds; and

(12) Submitting an annual report, no later than January 15 of each year, to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives that includes, but is not limited to, a comparison of the actual payer mix and uncompensated care provided by special health services licensees with the projections the licensees submitted in the licensee's special health services license application.

(d) In addition to the duties provided in subsection (c), the commission has the authority to delegate, and it is the intent of the general assembly that the commission



exercise the authority to delegate the following responsibilities and duties to the executive director:

(1) Granting deferral of applications for certificates of need in accordance with § 68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need in accordance with part 16 of this chapter.

(e) A delegation of authority pursuant to subsection (d) continues until specifically revoked by the commission as a result of a determination that revocation is necessary to ensure the proper and orderly operation of the commission.

(f) The executive director shall notify the commission of an action taken pursuant to a delegation of authority under subsection (d) at the commission's next regularly scheduled meeting.

(g)

(1) The commission shall review an action by the executive director, if:

(A) The executive director receives a written request for commission review; or

(B) A commission member requests commission review.

(2)

(A) If a request for commission review pursuant to subdivision (g)(1) is received within fifteen (15) days of the date the executive director provides notice of the action pursuant to subsection (f), then the action does not become final until the commission has rendered its final decision.

(B) If a request for commission review is not received pursuant to subdivision (g)(1), then the executive director's action becomes final as if the action was taken by the commission.

(h)

(1) A commission review of an action taken by the executive director must be conducted at the next regularly scheduled commission meeting that is scheduled for a date no less than two (2) weeks after the date the request for review is received pursuant to subsection (g).

(2) Commission review of an action by the executive director is de novo.

(3) The commission shall use the then-current edition of Robert's Rules of Order as the rules of parliamentary procedure applicable to a commission review of an action taken by the executive director.

SECTION 73. Tennessee Code Annotated, Section 68-11-1624, is amended by deleting "the board for licensing health care facilities in its discretion may delegate to the commission the authority to issue a new license to the successor owner. The delegation of this authority is limited to" and substituting "the health facilities commission may issue a new license to the successor owner. The use of this authority is limited to".

SECTION 74. Tennessee Code Annotated, Section 68-11-1602(9), is amended by deleting "created by this part" and substituting "created by part 2 of this chapter".

SECTION 75. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by adding the following as a new section:

Mental health facilities and substance abuse facilities that are licensed under this part may additionally be licensed by other departments or agencies of this state.

SECTION 76. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:

(1) Sections 1-16 take effect July 1, 2023, the public welfare requiring it; and

(2) Sections 17-76 take effect July 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 858**

**House Bill No. 952\***

by deleting SECTION 1 and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-11-202, is amended by adding the following as new subsections:

(i)

(1) The commission may license, for purposes of providing acute care services, a facility that is additionally licensed by the department of mental health and substance abuse services.

(2) The commission may promulgate rules to govern the process of licensing, for purposes of providing acute care services, a facility that is or may become additionally licensed by the department of mental health and substance abuse services and that is not otherwise exempt from licensing under the laws of this state or federal law. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) The commission shall consult with the department of mental health and substance abuse services when promulgating rules described in subdivision (i)(2).

(4) This subsection (i) does not alter or preclude the requirement of title 33, chapter 2, part 4, that a facility, not otherwise exempt, obtain licensure from the department of mental health and substance abuse services.

(j) The board is authorized to promulgate rules governing the designation of rural emergency hospitals in a manner consistent with the federal regulations of the federal



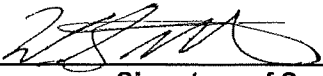
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centers for medicare and medicaid services. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 458\***

**House Bill No. 496**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-3-114, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 2. Tennessee Code Annotated, Section 63-3-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application



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that satisfies all statutory and board rule requirements.

SECTION 3. Tennessee Code Annotated, Section 63-4-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 4. Tennessee Code Annotated, Section 63-4-109, is amended by adding the following as a new subsection:

(d)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (d), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 5. Tennessee Code Annotated, Section 63-8-115(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2)

(A) When the board receives a completed application for initial licensure

or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 6. Tennessee Code Annotated, Section 63-11-311(a), is amended by designating the existing language as subdivisions (a)(1), (a)(1)(A), and (a)(1)(B) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 7. Tennessee Code Annotated, Section 63-11-304, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b)

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 8. Tennessee Code Annotated, Section 63-12-117, is amended by designating the existing language as subsection (a) and adding the following as new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 9. Tennessee Code Annotated, Section 63-12-112(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 10. Tennessee Code Annotated, Section 63-13-213, is amended by



designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 11. Tennessee Code Annotated, Section 63-13-202, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 12. Tennessee Code Annotated, Section 63-13-307(c), is amended by designating the existing language as subdivision (c)(1) and adding the following as a new subdivision (c)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the

date the board receives the completed application:

- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (c)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 13. Tennessee Code Annotated, Section 63-13-306(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 14. Tennessee Code Annotated, Section 63-17-113, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (A) Render a decision on the application; or
- (B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 15. Tennessee Code Annotated, Section 63-17-110(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 16. Tennessee Code Annotated, Title 63, Chapter 22, Part 1, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 17. Tennessee Code Annotated, Section 63-22-205(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or

in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (i) Render a decision on the application; or
- (ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 18. Tennessee Code Annotated, Section 63-22-203, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (A) Render a decision on the application; or
- (B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 19. Tennessee Code Annotated, Section 63-23-111, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(1) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within sixty (60) days from the date the board receives the completed application:

- (A) Render a decision on the application; or
- (B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (b), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 20. Tennessee Code Annotated, Title 63, Chapter 23, is amended by adding the following as a new section:

(a) When the board receives a completed application for initial licensure from an applicant, then the board shall, within sixty (60) days from the date the board receives the completed application:

(1) Render a decision on the application; or

(2) Inform the applicant of the need to appear before the board.

(b) As used in this section, "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 21. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 267\***

**House Bill No. 315**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 71-5-105(b), is amended by deleting the subsection and substituting:

(b)

(1) Subject to subdivision (b)(3), the total number of beds in private for-profit and private not-for-profit intermediate care facilities for individuals with intellectual disabilities (ICF/IID) must not be less than six hundred ninety-six (696) absent a reduction in the occupancy rate to eighty percent (80%) or less of the statewide available occupancy as determined annually by the comptroller of the treasury, and must not exceed a total maximum number of eight hundred four (804) upon the voluntary surrender by the certificate of need providers. The department of intellectual and developmental disabilities shall demonstrate a commitment to assisting providers who chose to transition a current site from ICF/IID services to home and community-based services (HCBS) in achieving compliance with the HCBS settings rules. In compliance with the certificate of need process, private for-profit and private not-for-profit ICF/IID beds may be transferred from one (1) location or one (1) provider to another, but the total number of such beds must not exceed eight hundred four (804).

(2) An available private ICF/IID bed may be filled only upon completion of a community-informed choice process established and administered by the department of intellectual and developmental disabilities that fairly and



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completely represents available options in order to ensure that the placement is the most integrated and cost-effective setting and subject to the individual's freedom of choice. Providers may refuse persons based on needs compatibility considering the total mix of persons in the facility. The department of intellectual and developmental disabilities shall demonstrate a commitment to ensuring the individual's freedom of choice and ensure that each eligible service recipient is fully informed of all services available to the recipient, including community ICF/IID facilities and the specialized services the facilities provide.

(3) The total number of private for-profit and not-for-profit ICF/IID beds authorized in subdivision (b)(1) is permanently reduced upon voluntary surrender of a certificate of need for the specified number of ICF/IID beds by the owner. A surrendered bed must not be reestablished by the same or another owner.

SECTION 2. This act takes 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. 702\***

**House Bill No. 1095**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding the following as a new part:

**68-11-2201. Part definitions.**

As used in this part:

(1) "Commission" means the health facilities commission;

(2) "Controlling person" means:

(A) A business entity, officer, program administrator, or director whose responsibilities include the direction of the management or policies of a temporary healthcare staffing agency; and

(B) An individual who, directly or indirectly, beneficially owns an interest in a corporation, partnership, or other business association that is a controlling person;

(3) "Direct care services":

(A) Means a service provided to a resident or patient in a healthcare facility by direct care staff; and

(B) Does not include:

(i) Services performed by persons in a healthcare facility that do not involve the provision of any service or treatment to a resident or patient of the healthcare facility;



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(ii) The practice of medicine and surgery or osteopathic medicine and surgery by an individual licensed under title 63, chapter 6 or 9; or

(iii) The practice of nursing by a certified nurse practitioner or an advanced practice registered nurse certified or registered under title 63, chapter 7;

(4) "Direct care staff" means an individual who contracts with or is employed by a temporary healthcare staffing agency to provide direct care services to residents or patients in a healthcare facility;

(5) "Healthcare facility" means a nursing home or an assisted-care living facility as those terms are defined by § 68-11-201;

(6) "Person" means an individual, firm, corporation, partnership, or association; and

(7) "Temporary healthcare staffing agency" or "agency":

(A) Means a person, or other business entity:

(i) Engaged in whole or in part in the business of providing or procuring temporary employment in healthcare facilities for direct care staff; or

(ii) That operates a digital website or digital smartphone application that facilitates the provision of the engagement of direct care staff and accepts requests from healthcare facilities for direct care staff through its digital website or digital smartphone application; and

(B) Does not include:

(i) An individual who engages, only on the individual's own behalf, to provide the individual's services on a temporary basis to a healthcare facility; or

(ii) An agency operated by a hospital, assisted-care living facility, or nursing home as those terms are defined by § 68-11-201, or an affiliate of a hospital, assisted-care living facility, or nursing home, if the purpose of the agency is solely procuring, furnishing, or referring temporary or permanent direct care staff for employment at that healthcare provider, or any affiliates under common ownership.

**68-11-2202. Requirement for registration and certification.**

(a) A temporary healthcare staffing agency shall not be operated, maintained, or advertised in this state without registering with the commission. Each separate location of a temporary healthcare staffing agency shall register and obtain a separate registration.

(b) Each application to operate a temporary healthcare staffing agency must be made on forms adopted by the commission. The commission shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish the application process for temporary healthcare staffing agency registration. The application must include:

- (1) The names and addresses of any controlling person;
- (2) The names and addresses of any owner who does not meet the definition of a controlling person. If the owner is a corporation, then the application must include copies of the corporation's articles of incorporation and current bylaws, and the names and addresses of its officers and directors;
- (3) The names and addresses of the person or persons under whose management or supervision the temporary healthcare staffing agency will be operated;
- (4) Satisfactory proof that the temporary healthcare staffing agency will maintain compliance with this part;

(5) A policy and procedure that describes how the temporary healthcare staffing agency's records will be immediately available to the commission upon request; and

(6) Any other relevant information that the commission determines is necessary to properly evaluate an application for registration.

(c) The commission may establish a registration fee in an amount sufficient to fund the projected costs of administering registration of temporary healthcare staffing agencies, but in no case may such fee exceed five thousand dollars (\$5,000).

(d) The commission shall deny any application for temporary healthcare staffing agency registration for failure to provide the information required by this section.

(e) A registration issued by the commission to an agency is effective for a period of one (1) year from the date of its issuance unless the registration is revoked for noncompliance with this section. If a controlling person changes, the temporary healthcare staffing agency is sold, or management is transferred, then the registration of the agency is voided and the new controlling person, owner, or manager may apply for a new registration.

**68-11-2203. Minimum requirements and record retention.**

(a) A temporary healthcare staffing agency shall:

(1) Retain documentation that each direct care staff contracted with or employed by the agency meets all licensing, certification, training, and continuing education standards for the position in which the direct care staff will be working, in compliance with any federal, state, or local requirements;

(2) In response to a request by a healthcare facility to whom direct care staff are supplied to work, provide documentation that each direct care staff meets the requirements of subdivision (a)(1);

(3) Comply with all pertinent requirements relating to the health and other qualifications of personnel employed in a healthcare facility;

(4) Carry an employee dishonesty bond in an amount of not less than ten thousand dollars (\$10,000) per occurrence;

(5) Maintain coverage for workers' compensation for all direct care staff;  
and

(6) Retain all records for five (5) calendar years and make all records immediately available to the commission upon request.

(b) A temporary healthcare staffing agency shall provide any records, unless otherwise privileged, pertinent to an investigation conducted by any of the following:

(1) A representative of adult protective services actively involved in the conduct of an investigation pursuant to title 71, chapter 6;

(2) The department of health or its representatives, designees, or employees under § 68-11-117, in the same manner that a healthcare provider must make records available;

(3) The health facilities commission if related to a violation of this part or any law or regulation of the board for licensing healthcare facilities relating to a healthcare facility with which the agency contracts; and

(4) Any law enforcement agency conducting a criminal investigation, including, but not limited to, the medicaid fraud control unit.

**68-11-2204. Prohibited contractual provisions.**

(a) A temporary healthcare staffing agency shall not:

(1) Restrict in any manner the employment opportunities of any direct care staff that is contracted with or employed by the agency, including, but not limited to, using contract buy-out provisions or contract non-compete clauses;

(2) Require the payment of liquidated damages, employment fees, or other compensation in any contract with direct care staff or a healthcare facility, if the direct care staff is hired as a permanent employee of the healthcare facility;  
or

(3) Solicit or recruit the current staff of a healthcare facility, or require, as a condition of employment, assignment, or referral, that the agency direct care staff recruit new employees for the agency from among the current employees of the healthcare facility to which the agency direct care staff are employed, assigned, or referred.

(b) The provisions of a contract between a temporary healthcare staffing agency and either direct care staff or a healthcare facility that violate this part are void and unenforceable in any court of law.

**68-11-2205. Reports.**

(a) A temporary healthcare staffing agency shall submit biannual reports to the commission.

(b) The commission shall promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish requirements for temporary healthcare staffing agencies to submit biannual reports. The biannual reports must include, but are not limited to, the following:

(1) The name, professional licensure or certification, and assigned healthcare facility for each direct care staff;

(2) The length of time the direct care staff have been assigned to each healthcare facility and the total hours worked;

(3) A detailed listing of the average amount charged during each reporting period to a healthcare facility for each category of direct care staff providing services to the healthcare facility;

(4) A detailed listing of the average amount paid during each reporting period to direct care staff for their services for each category of direct care staff providing services to the healthcare facility;

(5) The agency's certification that each direct care staff contracted to a healthcare facility during the reporting period had a current, unrestricted license

or certification in good standing and met the training and continuing education standards for the position with the healthcare facility throughout the entirety of the reporting period; and

(6) The agency's certification that each direct care staff contracted to a healthcare facility had successfully completed all background checks required by federal and state law and rule relating to the position and healthcare facility in which the direct care staff was placed or assigned during the reporting period.

(c) Biannual reports required by this section are considered proprietary information that is confidential and not subject to public inspection pursuant to title 10, chapter 7, part 5. However, the commission shall annually prepare reports of aggregate data that does not identify any data specific to any temporary healthcare staffing agency.

**68-11-2206. Penalties.**

(a) The commission shall revoke the registration of a temporary healthcare staffing agency that knowingly provides to a healthcare facility a direct care staff with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, criminal records check, or other item required for employment by a healthcare facility. The commission shall immediately notify the agency that its registration will be revoked in thirty (30) days.

(b) The commission shall not issue or renew a temporary healthcare staffing agency registration if a controlling person's registration has been revoked due to noncompliance with requirements in this section within five (5) years from the date of nonrenewal or revocation.

(c) If a temporary healthcare staffing agency fails to comply with the reporting requirements in § 68-11-2205, then the commission shall assess a penalty of one hundred dollars (\$100) for each day such agency is not in compliance. The commission may waive, in whole or in part, any penalty upon a determination that there is good cause for such a waiver.

(d) The commission may suspend or revoke the license of, or impose a fine not to exceed five thousand dollars (\$5,000) per violation, against any temporary healthcare staffing agency that fails to comply with this part or the rules promulgated by the commission in accordance with this part.

(e) A temporary healthcare staffing agency may request a hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to appeal a denial of an application for registration, revocation of registration, or an imposed monetary penalty.

**68-11-2207. Authority to promulgate rules.**

The commission shall promulgate rules to effectuate this part no later than September 1, 2023. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and may be promulgated as emergency rules pursuant to § 4-5-208.

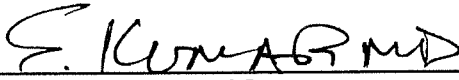
SECTION 2. Tennessee Code Annotated, Section 47-18-5103(a)(1), is amended by adding the following as a new subdivision:

(l) Temporary healthcare staffing provided by a temporary healthcare staffing agency as defined by § 68-11-2201.

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

SECTION 4. This act takes 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. 753\***

**House Bill No. 1317**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 3, is amended by deleting the part and substituting the following:

**63-10-301. Designation.**

(a) There is created a board of pharmacy, referred to herein as the "board," to be administratively attached to and receive administrative support from the division of health related boards within the department of health.

(b) The responsibility for enforcement of the provisions of parts 2-7 of this chapter and all laws that pertain to the practice of pharmacy is vested in the board.

(c) The board has all of the duties, powers, responsibilities, and authority necessary for the enforcement of parts 2-7 of this chapter, as well as other duties, powers, and authority as it may be granted.

(d) The board shall cooperate with state and federal agencies regarding any violations of a pharmacy drug or drug-related law.

(e) If a state of emergency is declared that involves the board under this part, then the board may waive the requirements of this chapter to protect the public health, safety, or welfare of its citizens and to facilitate the provision of drugs, devices, and pharmacist care services to the public.

**63-10-302. Membership.**

The board consists of nine (9) members to be appointed by the governor as follows:



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- (1) One (1) consumer member;
- (2) One (1) registered pharmacy technician; and
- (3) Seven (7) pharmacists who possess the qualifications specified in § 63-10-303.

**63-10-303. Qualifications.**

(a) Each pharmacist member of the board must, at the time of their appointment:

- (1) Have been a resident of this state for no less than five (5) years;
- (2) Must be a graduate of a recognized school or college of pharmacy;
- (3) Be licensed and in good standing to engage in the practice of pharmacy in this state;
- (4) Be actively engaged in the practice of pharmacy, as defined in § 63-10-204, in this state; and
- (5) Have at least five (5) consecutive years of experience in the practice of pharmacy providing patient care services after licensure.

(b) Each registered pharmacy technician member of the board must, at the time of their appointment:

- (1) Have been a resident of this state for not less than five (5) years;
- (2) Be currently licensed and in good standing as a registered pharmacy technician in this state;
- (3) Be actively practicing as a registered pharmacy technician in this state;
- (4) Be a certified pharmacy technician as defined by board rules; and
- (5) Have at least five (5) consecutive years of experience as a pharmacy technician after registration.

(c)

(1) Each consumer member of the board must, at the time of their appointment:

(A) Be a current resident of this state for at least five (5) years;

and

(B) Not be a licensed healthcare professional.

(2) The consumer member must not own or have a financial or other interest in any healthcare facility or healthcare business during the consumer's term on the board.

**63-10-304. Appointment.**

(a) Interested pharmacist groups, including, but not limited to, the Tennessee Pharmacists Association, may annually recommend five (5) duly qualified persons for each vacancy from whom the governor may be requested to make appointments. The governor shall consult with such groups to determine qualified persons to fill the positions. This subsection (a) does not apply to the consumer member serving on the board.

(b) A member appointed to the board shall take oath or affirmation that the member will faithfully and impartially perform their duties within ten (10) days after the member's appointment to the board. A member's oath or affirmation taken pursuant to this subsection (b) must be filed with the secretary of state.

(c) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older, one (1) person serving on the board is a member of a racial minority, and the members on the board are representative of a variety of practice settings.

**63-10-305. Terms of office and removal.**

(a) Board members shall serve seven-year terms or until their successors have been qualified. A member of the board is not eligible for reappointment; provided, however, that a member may be reappointed for one (1) full term if the member is appointed to fill a vacancy for which occurred prior to the expiration of a former member's term.

(b) The terms of the members of the board are staggered so that the terms of no more than three (3) members expire in one (1) year.

(c) A member of the board who is found to have committed misconduct may be removed by the governor upon the recommendation of the remaining members. As used in this subsection (c), "misconduct" means:

(1) The refusal or inability of a board member to perform their duties as a member of the board due to efficiency, irresponsibility, and unprofessional manner;

(2) The misuse of office by a member of the board to obtain personal, pecuniary, or material gain or advantage for their self or another through the office; or

(3) The violation of a law pertaining to the practice of pharmacy or the distribution of drugs and devices.

**63-10-306. Organization.**

(a) The pharmacist members of the board shall annually appoint a president and a vice president.

(b) The president of the board, and the vice president in the president's absence, shall preside at all meetings of the board and is responsible for the performance of all duties and functions of the board under this part.

(c) The board president may, if deemed necessary, split the board into panels of three (3) or more to conduct contested case hearings regarding disciplinary matters. A quorum of at least (3) panel members is required at such hearings.

(d) The board shall meet at least annually and at such other times as it deems necessary to perform its duties under this chapter. A majority of the members of the board constitutes a quorum for the conduct of board meetings and, except where a different number is required by this part or by any board rule, all actions of the board must be by a majority of a quorum.

(e) The members of the board receive a per diem of one hundred dollars (\$100) for each day the member is engaged in performance of the official duties of the board, and must be reimbursed for all reasonable and necessary expenses incurred in connection with the discharge of such official duties. All reimbursement for travel expenses are in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

**63-10-307. Executive Director.**

(a) The board shall consult with the division of health related boards in the department of health in appointing a person to serve as executive director of the board; however, the board is not bound by any recommendation of the division. The executive director must be licensed as a pharmacist in this state for at least five (5) consecutive years immediately preceding the appointment.

(b) The board shall specify the executive director's duties, and the executive director is responsible for the performance of the administrative functions of the board, which may include, but are not limited to:

- (1) Recording and compiling the minutes of the board;
- (2) Supervising employees assigned by the division of health related boards to support the board;
- (3) Performing studies and research as the board or division directs;
- (4) Representing the board at functions as authorized by the board and the division; and
- (5) Serving as a consultant to the division in its enforcement duties on behalf of the board.

(c) The board may dismiss the executive director without consulting with the division.

**63-10-308. Board employees.**

The board may, at its discretion, employ persons it deems necessary to properly conduct board business and to allow the board to fulfill its responsibilities under this part.

**63-10-309. Enforcement of pharmaceutical laws – Promulgation of rules.**

(a) The board shall enforce laws in this state relating to the practice of pharmacy; the manufacture, distribution, and sale of drugs; the medication use process, including, but not limited to, compounding, selection, preparation, production, dispensing, and distribution; patient administration; and the education and monitoring of drugs, devices, chemicals, and poisons.

(b) The division of health related boards shall employ the necessary administrative and clerical staff and investigators who are pharmacists to carry out the board's duty to enforce pharmaceutical laws. The pharmacist investigators may conduct inspections of pharmacies and other site where drugs, medicines, chemicals, pharmaceuticals, or poisons are manufactured, stored, sold, dispensed, distributed, or administered and shall conduct investigations of a board licensee. The pharmacist investigators may also assist in inspections and investigations undertaken by other health related boards attached to the division, and investigators assigned to these other health related boards may assist pharmacist investigators as appropriate.

(c) The board shall promulgate rules:

(1) To establish minimum standards and conditions for the operation of a pharmacy;

(2) Regarding the practice of pharmacy in this state to protect the health and welfare of the citizens of this state;

(3) Regarding professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession of pharmacy;

(4) To set minimum standards and conditions for receiving, preparing, maintaining, transferring, and dispensing of prescription orders; and

(5) To ensure that persons who are blind, visually impaired, or otherwise print disabled have appropriate access to prescription labels, bag tags, and medical guides.

(d)

(1) The board shall:

(A) Keep a record of the board's meetings and other proceedings;

(B) Issue and maintain a register of all persons who have been issued licenses and who have had their licenses renewed; and

(C) Maintain a register of pharmacists who have been designated as a pharmacist-in-charge.

(2) The board may maintain a register of pharmacy technicians as necessary to maintain public welfare.

(e)

(1) The board may petition a circuit or chancery court having jurisdiction over persons who practice pharmacy in this state without a valid license or who have violated the provisions of parts 2-7 of this chapter or rules promulgated by the board to enjoin a person from continuing to practice in this state.

(2) The executive director may issue subpoenas for witnesses and records and to administer oaths to witnesses.

(f)

(1) Board members may join professional organizations and associations organized to promote the improvement of the standards of the practice of pharmacy for the protection of the health and welfare of the public.

(2) The board may authorize, subject to the approval of the commissioner, administrative and investigative personnel and board members to attend local, state, regional, and national meetings. All reimbursement for travel expenses directly incurred as a result of attending such meetings shall 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.

(g) The board shall:

(1) Regularly notify licensed pharmacists of changes that are implemented or enforced by the board that affect the licensees resulting from newly promulgated rules, amended statutes, and adopted policies and guidelines;

(2) Establish and publish on its website the statutes, rules, policies, and guidelines that are implemented or enforced by the board and that affect licensees; and

(3) Require licensees to maintain a copy of the board of pharmacy statutes, rules, policies, and guidelines at the location in which they practice pharmacy.

(h) The board may issue advisory private letter rulings to any affected licensee making a request for a ruling regarding matters within the board's jurisdiction. The private letter ruling affects only the licensee making the inquiry and has no precedential value for any other inquiry or future contested case to come before the board. The board may resolve a dispute regarding a private letter ruling pursuant to declaratory orders under § 4-5-223.

**63-10-310. Power of board to suspend, revoke, or refuse to issue licenses – Civil penalties.**

The board may deny, restrict, or condition any application for licensure; revoke or suspend any license or certification previously issued; or discipline and assess civil penalties against an applicant, licensee, or holder of a certificate upon a finding that the applicant, licensee, or holder of a certificate has:

- (1) Been convicted of a criminal offense, including, but not limited to, violating a law of this state or of the United States relating to drugs or to the practice of pharmacy;
- (2) Been addicted to the use of alcohol, narcotics, or other drugs;
- (3) Engaged in conduct that is prohibited or unlawful under parts 2-7 of this chapter, or another state or federal law relating to drugs or to the practice of pharmacy;
- (4) Exhibited an incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, confidence, and safety to the public;
- (5) Been guilty of dishonorable, immoral, unethical, or unprofessional conduct;
- (6) Had the license to practice pharmacy suspended or revoked by another state for disciplinary reasons; or
- (7) Failed to comply with a lawful order or duly promulgated rule of the board.

**63-10-311. License requirements.**

- (a) Except as otherwise provided in parts 2-7 of this chapter, it is unlawful for a person to engage in the practice of pharmacy unless the person is licensed or otherwise authorized to practice under parts 2-7 of this chapter.
- (b) The board may establish the experience and educational qualifications necessary for admission to the board's licensure or certification examinations.
- (c) The board may use any national certification, licensure examination, or contract with a qualified examination agency to prepare and administer its licensure examination. The board shall promulgate rules to establish the minimum score necessary to pass a licensure or certification examination required by the board.
- (d) To apply for a pharmacist license, a person must:



(1) Be at least twenty-one (21) years of age;

(2) Be a graduate of a school or college of pharmacy recognized by the board; and

(3) Submit an application for licensure on forms approved by the board in writing or by online application and pursuant to rules promulgated by the board.

(e) The board may grant licenses to reciprocal applicants from other states upon making a determination that the qualifications of pharmacists licensed in other states are equivalent to or greater than requirements for licensure in this state. The board may refuse to issue licenses to reciprocal applicants from other states on grounds as determined by the board's rule.

(f) The board may license and register pharmacists, pharmacies, wholesalers, distributors, pharmacy technicians, pharmacy interns, manufacturers, third-party logistics providers, and other persons as may be required under federal or state law. This subsection (f) does not include manufacturers' representatives unless otherwise required by federal or state law.

(g)

(1) The board may promulgate rules to:

(A) Establish the criteria, timing and procedure for the renewal of licenses;

(B) Establish the requirements for continuing education for persons the board licenses or to whom the board issues certificates. This authority includes, but is not limited to, the establishment of the number of continuing education hours required, approval of providers and course content, enforcement of continuing education requirements, and qualification for waiver of the requirements or extension of time in which to obtain the continuing education; and

(C) Designate which national or other qualified pharmacy technician certification agencies are recognized in this state for maintaining certification as a pharmacy technician.

(2) The board shall promulgate rules to define the scope of practice of pharmacy technicians and the qualifications necessary to practice as a pharmacy technician.

**63-10-312. Inspection of sites — Physicians regulated by board of medical examiners.**

(a) The board or its designated agents are authorized to regulate the practice of pharmacy and to inspect any site or professional pharmacy practice, other than storage sites utilized by manufacturer's representatives, where drugs, medicines, chemicals, pharmaceuticals, or poisons are manufactured, stored, sold, dispensed, distributed, or administered.

(b) The authority over drug dispensing in the office of a physician licensed to practice under chapter 6 of this title is vested in the board of medical examiners.

**63-10-313. Administrative fees.**

(a) The board may promulgate rules to establish licensure fees necessary to carry out parts 2-7 of this chapter.

(b) All monies received by the board must be deposited and dispensed pursuant to § 63-1-137.

**63-10-314. Administrative procedure.**

All matters and procedures regarding the hearing and judicial review of a contested case arising under parts 2-7 of this chapter are governed under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**63-10-315. Promulgation of rules regarding oversight of facilities that manufacture, warehouse, and distribute medical devices.**

(a) The board shall promulgate rules regarding the board's oversight of facilities that manufacture, warehouse, and distribute medical devices. The rules promulgated under this subsection (a) must include the formation of an advisory committee, in accordance with § 4-5-205, composed of medical device industry representatives and a representative of the department of economic and community development.

(b) The rules promulgated pursuant to this section must be reviewed by the advisory committee every three (3) years to review the advancements of new medical device technologies.

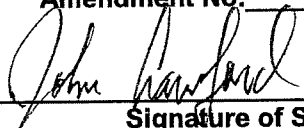
(c) The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**63-10-316. Promulgation of rules.**

All rules to effectuate this part must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 431\***

**House Bill No. 469**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-1-155(g), is amended by adding the following as a new subdivision:

( ) An individual licensed in another state who would, if licensed in this state, qualify as a healthcare provider under subsection (a) may practice telehealth under this section while providing healthcare services to a patient who cannot otherwise receive within this state the services the healthcare provider will provide, as long as:

(A) The healthcare provider is located and licensed in a state that is contiguous to this state;

(B) The patient is sixteen (16) years of age or younger; and

(C) The healthcare provider has filed a limited waiver request with the appropriate licensing authority in this state that certifies that:

(i) The patient needs such services; and

(ii) To the best knowledge of the healthcare provider, other providers of the services are unavailable in this state.

SECTION 2. This act takes effect upon becoming a law, 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. 778**

**House Bill No. 709\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 3, is amended by adding the following as a new section:

(a) Unless expressly required by federal law, the department shall obtain specific authorization from the general assembly before seeking, applying for, accepting, or renewing a waiver of work requirements established by the supplemental nutrition assistance program (SNAP) under 7 U.S.C. § 2015(o).

(b) The department shall not exercise the state's option to provide an exemption from the work requirement under 7 U.S.C. § 2015(o)(6)(E).

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



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 678\***

**House Bill No. 1194**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 71-2-105, is amended by deleting subdivision (e)(1)(E) and substituting:

(E)

(i) "Respite care":

(a) Means temporary, substitute support or living arrangements to provide a brief period of relief or rest for informal caregivers; and

(b) Includes in-home care by appropriately trained individuals, or care in an adult day care, assisted living, or nursing home setting, on an intermittent, occasional, or emergency basis; and

SECTION 2. Tennessee Code Annotated, Section 71-2-105(e)(1), is amended by adding the following new subdivision:

(F) "Substitute support" includes, but is not limited to, the following homemaker services:

(i) In-home respite or companionship;

(ii) Adult day care;

(iii) Assistance with personal care, bathing, medication monitoring, and chores;

(iv) Home safety improvements or equipment;

(v) Caregiver training, including personal care;

(vi) Overnight respite in a facility;



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- (vii) Transportation;
- (viii) Costs to attend or provide support groups; and
- (ix) Other goods or services necessary to maintain the person with Alzheimer's or related dementia at home.

SECTION 3. Tennessee Code Annotated, Section 71-2-105, is amended by deleting subdivision (e)(2)(D) and substituting:

(D) The program must:

- (i) Be based on grants provided to each of the nine (9) area agencies on aging and disability in this state for respite care services for the sole benefit of individuals who are experiencing symptoms of Alzheimer's disease or related dementia, or who have received a clinical diagnosis of Alzheimer's disease or related dementia;
- (ii) Be operated from July 1, 2022, to December 31, 2025;
- (iii) Actively serve up to a total of two hundred twenty-five (225) enrollees, at one time, in each fiscal year of the program's operation;
- (iv) Reimburse utilizing the commission's annually-approved homemaker service unit cost rate;
- (v) Give priority for enrollment to those individuals on the wait list for the current state-funded OPTIONS program as of May 25, 2022;
- (vi) Exclude an individual with Alzheimer's disease or related dementia who is eligible for long-term care services under the Medical Assistance Act of 1968, compiled in chapter 5, part 1 of this title; and
- (vii) Provide preference to individuals at or below two hundred fifty percent (250%) of the federal poverty level.

SECTION 4. This act takes 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. 678\***

**House Bill No. 1194**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 71-2-105, is amended by deleting subdivision (e)(1)(E) and substituting the following:

(E) "Respite care":

(i) Means temporary, substitute support or living arrangements to provide a brief period of relief or rest for informal caregivers. As used in this subdivision (e)(1)(E)(i), "substitute support" includes, but is not limited to, the following homemaker services:

(a) In-home respite or companionship;

(b) Adult day care;

(c) Assistance with personal care, bathing, medication monitoring,

and chores;

(d) Caregiver training for unpaid, informal caregivers;

(e) Four (4) hours of overnight respite in a facility; and

(f) Any other goods or services necessary to maintain the person

with Alzheimer's or related dementia at home; and

(ii) Includes in-home care by appropriately trained individuals, or care in an adult day care, assisted living, or nursing home setting, on an intermittent, occasional, or emergency basis;

SECTION 2. Tennessee Code Annotated, Section 71-2-105, is amended by deleting subdivision (e)(2)(D) and substituting the following:



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(D) The program must:

(i) Be based on grants provided to each of the nine (9) area agencies on aging and disability in this state for respite care services for the sole benefit of individuals who are experiencing symptoms of Alzheimer's disease or related dementia or who have received a clinical diagnosis of Alzheimer's disease or related dementia;

(ii) Be operated from July 1, 2022, to December 31, 2025;

(iii) Actively serve up to a total of two hundred twenty-five (225) enrollees, at one time, in each fiscal year of the program's operation;

(iv) Reimburse utilizing the commission on aging and disability's yearly approved homemaker service unit cost rate;

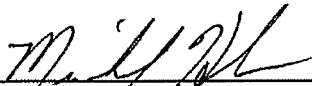
(v) Give priority for enrollment to those individuals on the wait list for the current state-funded OPTIONS program as of May 25, 2022;

(vi) Exclude an individual with Alzheimer's disease or related dementia who is eligible for long-term care services under the Medical Assistance Act of 1968, compiled in chapter 5, part 1 of this title; and

(vii) Provide preference to individuals at or below two hundred fifty percent (250%) of the federal poverty level.

SECTION 3. This act takes 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. 307**

**House Bill No. 242\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-30-107, is amended by deleting the section and substituting:

(a)

(1) An individual may refuse to make an anatomical gift of the individual's body or part by a writing signed in the same manner as a document of gift or any other writing used to identify the individual as refusing to make an anatomical gift. A terminal patient may refuse to make an anatomical gift by oral statement or other form of communication.

(2) If an individual or terminal patient has refused to make an anatomical gift of the individual or terminal patient's body or part in accordance with subdivision (a)(1), then the signed writing by the individual or attestation to the terminal patient's oral statement or other form of communication bars another person from making or amending an anatomical gift of the individual or terminal patient's body or part.

(b)

(1) If a person specified under § 68-30-109 is not barred from making or amending an anatomical gift of a decedent's body or part, by a refusal made in accordance with subdivision (a)(1) or otherwise, then a procurement organization may contact the person within four (4) hours of the decedent's death.



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(2) If the decedent refused to make an anatomical gift of the decedent's body or part in accordance with subdivision (a)(1), then a procurement organization shall not contact a person specified under § 68-30-109.

(c) The remains of a decedent must be immediately released to the funeral home authorized by the decedent's next of kin if:

(1) The decedent refused to make an anatomical gift of the decedent's body or part in accordance with subdivision (a)(1); or

(2) A procurement organization did not make initial contact within four (4) hours in accordance with subdivision (a)(2).

(d) A person or entity that reasonably believes that a procurement organization, hospital, person, or another entity violated subsection (b) or (c) may file a complaint with the department of health or appropriate licensing board under title 63 or this title. If the department or licensing board finds that the procurement organization, hospital, person, or another entity violated subsection (b) or (c), then the department or licensing board, as applicable, shall assess each party that violated subsection (b) or (c) a civil penalty of five hundred dollars (\$500).

SECTION 2. Tennessee Code Annotated, Section 68-30-109(a), is amended by deleting "subsections (b) and (c)," and substituting "subsections (b)-(d),".

SECTION 3. Tennessee Code Annotated, Section 68-30-109, is amended by adding the following as a new subsection:

(d) A person listed under subsection (a) shall not make an anatomical gift of the body or a part of the decedent if the decedent refused to make an anatomical gift of the decedent's body or part and there is a signed writing or attestation to an oral statement or other form of communication by the decedent made in accordance with § 68-30-107(a).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Signature of Sponsor

AMEND Senate Bill No. 866

House Bill No. 827\*

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Adolescent beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are less than eighteen (18) years of age;

(2) "Adult beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are between eighteen (18) and sixty (60) years of age;

(3) "Department" means the department of health;

(4) "Geriatric beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are sixty (60) years of age or older;

(5) "Hospital" means a hospital licensed pursuant to this title or title 33 that provides inpatient psychiatric services, and includes a regional mental health institute; and

(6) "Psychiatric bed tracking system" means a web-based electronic system managed by the department that can be searched to locate inpatient psychiatric services at a hospital in this state.

(b) The department shall establish and integrate into the department's healthcare resource tracking system a psychiatric bed tracking system. The department



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shall ensure that the psychiatric bed tracking system is capable of accepting data from hospitals no later than January 1, 2024.

(c)

(1) Beginning January 1, 2024, a hospital in this state shall participate in the psychiatric bed tracking system established pursuant to subsection (b).

(2) A hospital shall update the psychiatric bed tracking system no less than two (2) times per day. The hospital shall enter at least one (1) update after twelve o'clock (12:00) midnight but before ten o'clock a.m. (10:00 a.m.), and shall enter at least one (1) update after two o'clock p.m. (2:00 p.m.) but before twelve o'clock (12:00) midnight.

(3) Each update must include the number of available staffed adolescent beds, the number of available staffed adult beds, and the number of available staffed geriatric beds.

SECTION 2. This act takes 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. 866**

**House Bill No. 827\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Adolescent beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are less than eighteen (18) years of age;

(2) "Adult beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are between eighteen (18) and sixty (60) years of age;

(3) "Department" means the department of health;

(4) "Geriatric beds" means the number of available, staffed psychiatric beds ready for admission to individuals who are sixty (60) years of age or older;

(5) "Hospital" means a hospital licensed pursuant to this title or title 33 that provides inpatient psychiatric services, and includes a regional mental health institute; and

(6) "Psychiatric bed tracking system" means a web-based electronic system managed by the department that can be searched to locate inpatient psychiatric services at a hospital in this state.

(b) The department shall establish and integrate into the department's

healthcare resource tracking system a psychiatric bed tracking system. The department



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shall ensure that the psychiatric bed tracking system is capable of accepting data from hospitals no later than January 1, 2024.

(c)

(1) Beginning January 1, 2024, a hospital in this state shall participate in the psychiatric bed tracking system established pursuant to subsection (b).

(2) A hospital shall update the psychiatric bed tracking system no less than one (1) time per day.

(3) Each update must include the number of available, staffed adolescent beds; the number of available, staffed adult beds; and the number of available, staffed geriatric beds.

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

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_ of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 219**

**House Bill No. 271\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-11-104(h), is amended by deleting the language "and certified psychological assistants" and substituting ", certified psychological assistants, and certified psychological testing technicians".

SECTION 2. Tennessee Code Annotated, Section 63-11-201(a), is amended by deleting the language "Four (4) levels" and substituting "Five (5) levels", and by adding the following as a new subdivision:

(5) Certified psychological testing technician;

SECTION 3. Tennessee Code Annotated, Section 63-11-201(c), is amended by deleting the language "certified psychological assistant must" and substituting "certified psychological assistant or certified psychological testing technician must".

SECTION 4. Tennessee Code Annotated, Section 63-11-204(b), is amended by deleting the language "psychologist, or psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 5. Tennessee Code Annotated, Section 63-11-204(c), is amended by deleting the language "psychologist or, psychological examiner or senior psychological examiner or certified psychological assistant" and substituting "psychologist, psychological examiner, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".



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SECTION 6. Tennessee Code Annotated, Section 63-11-205(a)(1), is amended by deleting the language "psychologists or, psychological examiners or, senior psychological examiners or certified psychological assistants" and substituting "psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians".

SECTION 7. Tennessee Code Annotated, Section 63-11-205(d), is amended by deleting the language "psychological examiner or, senior psychological examiner or, certified psychological assistant or psychologist" and substituting "psychological examiner, senior psychological examiner, certified psychological assistant, certified psychological testing technician, or psychologist".

SECTION 8. Tennessee Code Annotated, Section 63-11-206(a), is amended by deleting the language "license to practice as psychological examiner or, psychologist or senior psychological examiner or a certificate to practice as a psychological assistant" and substituting "license to practice as a psychological examiner, psychologist, or senior psychological examiner, or a valid certificate to practice as a psychological assistant or psychological testing technician,".

SECTION 9. Tennessee Code Annotated, Section 63-11-206(b), is amended by deleting the subsection and substituting:

(b) This chapter does not prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians. Duly recognized members of the clergy are not restricted from functioning in their ministerial capacity as long as they do not represent themselves to be psychologists, psychological examiners, senior psychological examiners, certified psychological assistants, or certified psychological testing technicians.

SECTION 10. Tennessee Code Annotated, Section 63-11-206(c)(1), is amended by deleting the language "psychological examiner or, psychologist or, senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 11. Tennessee Code Annotated, Section 63-11-206(c), is amended by adding the following as a new subdivision:

(3) A person practices as a "certified psychological testing technician" within the meaning of this chapter when the person claims to be a certified psychological testing technician or renders to individuals or the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the direct employment and supervision of either the psychologist or senior psychological examiner employing the certified psychological testing technician or the employing community mental health center or state governmental agency. Any and all work performed by a certified psychological testing technician is supervised by a psychologist or senior psychological examiner as determined by the board.

SECTION 12. Tennessee Code Annotated, Section 63-11-206(g), is amended by deleting the language "psychological examiner or as a psychologist, or as a senior psychological examiner or certified psychological assistant" and substituting "psychological examiner, psychologist, senior psychological examiner, certified psychological assistant, or certified psychological testing technician".

SECTION 13. Tennessee Code Annotated, Section 63-11-207, is amended by adding the following as a new subsection:

(c)

(1) A person seeking to practice as a certified psychological testing technician in this state shall, before it is lawful for the person to practice as a

certified psychological testing technician, make application to the board through the chair, upon such form and in such manner as is adopted and prescribed by the board, including, but not limited to, the proper registration with the board of the supervisor of record for the certified psychological testing technician. Unless the person obtains a proper certificate as issued by the board, it is unlawful for the person to practice. The person violates this chapter if the person practices as a certified psychological testing technician without first having obtained a proper certificate.

(2) As used in subdivision (c)(1), "practice as a certified psychological testing technician" means the individual is duly authorized by the board to administer and score standardized psychological and neuropsychological tests and to observe and describe a client's test behavior and test responses. A certified psychological testing technician shall not select psychological or neuropsychological tests or versions of tests to be given, interpret test results, write test results, or give test feedback to clients.

(3) The services provided by a certified psychological testing technician must be provided under the direct supervision of a psychologist who is registered with the board as the supervisor of record to provide such supervision for the certified psychological testing technician. The certified psychological testing technician must be employed by, or contracted with, the same work setting as the supervising psychologist who is registered with the board.

(4) A candidate for certification shall furnish the board with satisfactory evidence that the candidate:

(A) Is of good moral character;

(B) Is a citizen of the United States;

(C) Is not considered by the board to be engaged in unethical practice;

(D) Proof of completion of a bachelor's degree or graduate degree, or proof of current enrollment in a graduate degree program, from a regionally accredited university, college, or professional school, in either psychology or education with a specialization in educational psychology, counseling psychology, or school psychology. The candidate's educational training must consist of a minimum of seventy-two (72) hours of total education and training relating to psychological or neuropsychological test administration and scoring that includes the following:

(i) At least twenty (20) hours of direct observation, including at least ten (10) hours of direct observation of a licensed psychologist administering and scoring tests, and at least ten (10) hours of direct observation of either a licensed psychologist or certified psychological testing technician duly registered by the board administering and scoring tests;

(ii) At least forty (40) hours of administering and scoring tests in the presence of a licensed psychologist; and

(iii) At least twelve (12) hours of additional education on topics related to best practices for the functions identified in subdivision (c)(2). Of those twelve (12) hours, at least three (3) hours must be specifically dedicated to law and ethics, and at least three (3) hours must be dedicated to multicultural competency. Additional topics must relate to growth, knowledge, and skill-based training that would enhance the candidate's professional skill in providing care for persons with medical, psychiatric, neurocognitive, and developmental conditions commonly assessed by psychologists and neuropsychologists.

Amendment No. \_\_\_\_\_

Charlie Baum  
Signature of Sponsor

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| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records.

(2)

(A) For records other than those involving workers' compensation cases, the reasonable costs must not exceed the cost of the following, as described in 45 CFR § 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed.

(B)

(i) Except as provided in subdivision (a)(2)(B)(ii), the total charges must not exceed:



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(a) Twenty-five dollars (\$25.00) for electronic medical records provided via portable media; and

(b) No charge for electronic records provided via an online patient portal.

(ii) There is no limit on the charge when copying paper records as long as the healthcare provider complies with subdivision (a)(2)(A).

(3) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits. The costs charged for reproducing records of patients involved in a workers' compensation claim must be as defined in § 50-6-204. A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

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

Amendment No. \_\_\_\_\_

*Charles Baum*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed twenty dollars (\$20.00) for paper copies of medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing.

(2) For records other than those involving workers' compensation cases:

(A) The reasonable costs must not exceed the cost of the following, as described in 45 CFR § 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and

(B) The total charges must comply with the following:



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(i) No more than twenty-five dollars (\$25.00) for electronic medical records provided via portable media, electronic mail, medical record portal, or fax;

(ii) No charge for electronic records provided via an online medical record patient portal; and

(iii) There is no limit on the charge when copying paper records or faxing paper records as long as the healthcare provider complies with subdivision (a)(1).

(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business.

(4) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits.

(5) The costs charged for reproducing records of patients involved in a workers' compensation claim must be as defined in § 50-6-204.

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

*Charlie Baum*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed twenty dollars (\$20.00) for paper copies of medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing.

(2) For records other than those involving workers' compensation cases:

(A) The reasonable costs must not exceed the cost of the following, as described in 45 CFR 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and



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(B) The total charges for electronic medical records provided via portable media, electronic mail, medical record portal, or fax must comply with the following:

(i) The total charges must be no more than twenty dollars (\$20.00) for records ten (10) pages or less in length;

(ii) The total charges must be no more than twenty-five cents (25¢) per page for each page after the first ten (10) pages, up to eighty dollars (\$80.00); and

(iii) Charges for copying paper records or faxing paper records are subject to the limits set in subdivision (a)(1).

(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business.

(4) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits.

(5) The costs charged for reproducing records of patients involved in a workers' compensation claim must be as specified in § 50-6-204.

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Charlie Baum*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed twenty dollars (\$20.00) for paper copies of medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing.

(2) For records other than those involving workers' compensation cases:

(A) The reasonable costs must not exceed the cost of the following, as described in 45 CFR § 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and



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(B) The total charges for electronic medical records provided via portable media, electronic mail, medical record portal, or fax must comply with the following:

(i) The total charges must be no more than twenty dollars (\$20.00) for records ten (10) pages or less in length;

(ii) The total charges must be no more than fifty cents (50¢) per page for each page after the first ten (10) pages, up to ninety dollars (\$90.00); and

(iii) Charges for copying paper records or faxing paper records are subject to the limits set in subdivision (a)(1).

(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business.

(4) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits.

(5) The costs charged for reproducing records of patients involved in a workers' compensation claim must be as defined in § 50-6-204.

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

Charlie Baum  
Signature of Sponsor

**FILED**

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Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1313**

**House Bill No. 647\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) and substituting:

(a)

(1) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed twenty dollars (\$20.00) for paper copies of medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing.

(2) For records other than those involving workers' compensation cases:

(A) The reasonable costs must not exceed the cost of the following, as described in 45 CFR § 164.524(c)(4):

(i) Labor for copying the protected health information requested by the individual;

(ii) Supplies for creating the paper copy, or electronic media, if the individual requests that the electronic copy be provided on portable media; and

(iii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and



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(B) The total charges for electronic medical records provided via portable media, electronic mail, medical record portal, or fax must comply with the following:

(i) The total charges must be no more than twenty dollars (\$20.00) for records ten (10) pages or less in length;

(ii) The total charges must be no more than twenty-five cents (25¢) per page for each page after the first ten (10) pages, up to one hundred dollars (\$100); and

(iii) Charges for copying paper records or faxing paper records are subject to the limits set in subdivision (a)(1).

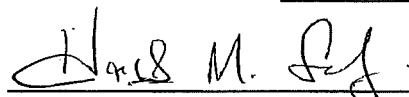
(3) Upon request, a person providing records pursuant to § 63-2-101 shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business.

(4) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for such services in excess of the cost limits.

(5) The costs charged for reproducing records of patients involved in a workers' compensation claim must be as defined in § 50-6-204.

(6) A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
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**AMEND Senate Bill No. 394\***

**House Bill No. 738**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following as a new chapter:

**63-15-101. Legislative findings and intent.**

(a) The general assembly finds that:

(1) Pregnant and postpartum women who receive doula care are found to have improved health outcomes for themselves and their infants, including higher breastfeeding initiation rates, fewer low birth weight babies, and lower rates of cesarean deliveries;

(2) The benefits of doula care can have a financial impact in helping families and this state avoid the costs associated with low birth weight babies, cesarean births, and other pregnancy-related complications; and

(3) A successful program of medicaid coverage for doula care must honor and support the autonomy of doulas, and be as inclusive as possible of the wide variety of birth support work that exists, including community-based and traditional birth support work.

(b) It is the intent of the general assembly to identify and mobilize an educated and prepared doula workforce to serve pregnant women in this state by supporting the ongoing practices of doulas working with communities that experience the highest burden of birth disparities, but without the barriers to entry that licensure would entail.

**63-15-102. Chapter definitions.**



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As used in this chapter:

- (1) "Committee" means the doula services advisory committee;
- (2) "Community-based doula" means a doula who serves pregnant women in a community in this state with a high rate of maternal or infant mortality and morbidity, and whose services are tailored to the specific needs of that community;
- (3) "Department" means the department of health;
- (4) "Doula" means a birth worker who provides child birth education, advocacy, and physical, emotional, and nonmedical support for pregnant and postpartum women before, during, and after childbirth and loss;
- (5) "Doula services" means at least three (3) prenatal appointments, continuous labor support during birth, and at least three (3) postpartum appointments with a pregnant woman; and
- (6) "Postpartum" means the twelve-month period immediately following childbirth.

**63-15-103. Doula services advisory committee – Creation – Purpose – Duties.**

(a) There is created the doula services advisory committee. The committee is attached to the department of health for administrative purposes.

(b) The purpose of the committee is to:

- (1) Advise the department of health by establishing core competencies and standards for the provision of doula services in this state; and
- (2) Recommend reimbursement rates and fee schedules for TennCare reimbursement for doula services.

(c) The doula services advisory committee shall:

- (1) Develop a set of core competencies and standards for doulas providing doula services in this state, for the purpose of verifying competency,



including a demonstration of competency, through training or attestation of equivalency or lived experience, in the following areas:

(A) Understanding basic anatomy and physiology as related to pregnancy, the childbearing process, breastfeeding, and the postpartum period;

(B) Utilizing different strategies to provide emotional support, education, and resources during the perinatal period;

(C) Knowledge of and the ability to assist families with utilizing a wide variety of nonclinical labor coping and physical comfort strategies;

(D) Strategies to foster effective communication between clients, clients' families, support services, and healthcare providers; and

(E) Knowledge of community-based, government-funded, and clinical resources available to the client for needs outside the doula's scope of practice;

(2) Propose multiple options for medicaid reimbursement for doula services, including doulas operating as independent providers and doulas working with licensed providers;

(3) Propose reimbursement rates and fee schedules reflecting the reasonable number of clients a doula can sustain at the same time;

(4) Propose incentive-based programs such as fee waivers to encourage participation from doulas in rural communities; and

(5) Examine outcomes, findings, and reports from existing pilot programs related to the provision of doula services.

(d) The doula services advisory committee shall compile a report of its findings and recommendations from the duties described in subsection (c). No later than eighteen (18) months following the date of the committee's first meeting, the department of health shall publish a copy of the committee's report on its public website, and the

committee shall transmit a copy of the report to the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, and the legislative librarian.

**63-15-104. Membership – Appointment – Terms.**

(a) The committee consists of the following five (5) members:

- (1) The commissioner of health, or the commissioner's designee with experience in maternal health or medicaid policy;
- (2) The director of TennCare, or the director's designee; and
- (3) Three (3) doulas, to be appointed by the commissioner of health or the commissioner's designee, who have documented experience providing services to:

(A) Medicaid recipients; or

(B) Women in municipalities or unincorporated areas in this state with high rates of maternal and infant mortality.

(b) If a membership position on the committee becomes vacant, then the commissioner shall appoint a replacement member who meets the qualifications as described in subsection (a) for the vacant position.

(c)

(1) The commissioner shall remove any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year and appoint a new member to serve.

(2) Notwithstanding subdivision (c)(1), the commissioner may excuse an absence of a committee member for good cause, in the discretion of the commissioner.

(d) The commissioner of health, or the commissioner's designee, shall serve as chair of the committee. The chair shall convene the first meeting of the committee within ninety (90) days following the effective date of this act.

(e) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. Members of the advisory committee serve without compensation, but are entitled to receive necessary travel and other appropriate expenses while engaged in committee business.

(f) The committee ceases to exist on July 1, 2026.

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

( ) Doula services advisory committee, created by § 63-15-103;

SECTION 3. The department of health is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 361\***

**House Bill No. 942**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 5, is amended by adding the following as a new part:

**63-5-201. Short title.**

This part is known and may be cited as the "Dentist and Dental Hygienist Compact."

**63-5-202. Text of compact.**

The Dentist and Dental Hygienist Compact is enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

**DENTIST AND DENTAL HYGIENIST COMPACT**

**SECTION 1. TITLE AND PURPOSE**

This statute shall be known and cited as the Dentist and Dental Hygienist Compact. The purposes of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing Dentists and Dental Hygienists licensed in a Participating State the ability to practice in Participating States in which they are not licensed. The Compact does this by establishing a pathway for Dentists and Dental Hygienists licensed in a Participating State to obtain a Compact Privilege that authorizes them to practice in another Participating State in which they are not licensed. The Compact enables Participating States to protect the public health and safety with respect to the practice of



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such Dentists and Dental Hygienists, through the State's authority to regulate the practice of dentistry and dental hygiene in the State. The Compact:

A. Enables Dentists and Dental Hygienists who qualify for a Compact Privilege to practice in other Participating States without satisfying burdensome and duplicative requirements associated with securing a License to practice in those States;

B. Promotes mobility and addresses workforce shortages through each Participating State's acceptance of a Compact Privilege to practice in that State;

C. Increases public access to qualified, licensed Dentists and Dental Hygienists by creating a responsible, streamlined pathway for Licensees to practice in Participating States;

D. Enhances the ability of Participating States to protect the public's health and safety;

E. Does not interfere with licensure requirements established by a Participating State;

F. Facilitates the sharing of licensure and disciplinary information among Participating States;

G. Requires Dentists and Dental Hygienists who practice in a Participating State pursuant to a Compact Privilege to practice within the Scope of Practice authorized in that State;

H. Extends the authority of a Participating State to regulate the practice of dentistry and dental hygiene within its borders to Dentists and Dental Hygienists who practice in the State through a Compact Privilege;

I. Promotes the cooperation of Participating States in regulating the practice of dentistry and dental hygiene within those States; and

J. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

## **SECTION 2. DEFINITIONS**

As used in this Compact, unless the context requires otherwise, the following definitions shall apply:

A. "Active Military Member" means any individual in full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. "Adverse Action" means disciplinary action or encumbrance imposed on a License or Compact Privilege by a State Licensing Authority.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process applicable to a Dentist or Dental Hygienist approved by a State Licensing Authority of a Participating State in which the Dentist or Dental Hygienist is licensed. This includes, but is not limited to, programs to which Licensees with substance abuse or addiction issues are referred in lieu of Adverse Action.

D. "Clinical Assessment" means examination or process, required for licensure as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

E. "Commissioner" means the individual appointed by a Participating State to serve as the member of the Commission for that Participating State.

F. "Compact" means this Dentist and Dental Hygienist Compact.

G. "Compact Privilege" means the authorization granted by a Remote State to allow a Licensee from a Participating State to practice as a Dentist or Dental Hygienist in a Remote State.

H. "Continuing Professional Development" means a requirement, as a condition of License renewal, to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

I. "Criminal Background Check" means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

J. "Data System" means the Commission's repository of information about Licensees, including, but not limited to, examination, licensure, investigative, Compact Privilege, Adverse Action, and Alternative Program.

K. "Dental Hygienist" means an individual who is licensed by a State Licensing Authority to practice dental hygiene.

L. "Dentist" means an individual who is licensed by a State Licensing Authority to practice dentistry.

M. "Dentist and Dental Hygienist Compact Commission" or "Commission" means a joint government agency established by this Compact comprised of each State that has enacted the Compact and a national administrative body comprised of a Commissioner from each State that has enacted the Compact.

N. "Encumbered License" means a License that a State Licensing Authority has limited in any way other than through an Alternative Program.

O. "Executive Board" means the Chair, Vice Chair, Secretary, and Treasurer and any other Commissioners as may be determined by Commission Rule or bylaw.

P. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and Rules governing the practice of dentistry or dental hygiene, as applicable, in a State.

Q. "License" means current authorization by a State, other than authorization pursuant to a Compact Privilege, or other privilege, for an individual to practice as a Dentist or Dental Hygienist in that State.

R. "Licensee" means an individual who holds an unrestricted License from a Participating State to practice as a Dentist or Dental Hygienist in that State.

S. "Model Compact" means the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments or other entity as designated by the Commission.

T. "Participating State" means a State that has enacted the Compact and been admitted to the Commission in accordance with the provisions herein and Commission Rules.

U. "Qualifying License" means a License that is not an Encumbered License issued by a Participating State to practice dentistry or dental hygiene.

V. "Remote State" means a Participating State where a Licensee who is not licensed as a Dentist or Dental Hygienist is exercising or seeking to exercise the Compact Privilege.

W. "Rule" means a regulation promulgated by an entity that has the force of law.

X. "Scope of Practice" means the procedures, actions, and processes a Dentist or Dental Hygienist licensed in a State is permitted to undertake in that State and the circumstances under which the Licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the State Licensing Authority or other government agency.

Y. "Significant Investigative Information" means information, records, and documents received or generated by a State Licensing Authority pursuant to an investigation, that includes notification and an opportunity to respond if required



by state law, for which a determination has been made that there is probable cause to believe that the Licensee has violated a statute or regulation that is considered more than a minor infraction for which the State Licensing Authority could pursue Adverse Action against the Licensee.

Z. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practices of dentistry and dental hygiene.

AA. "State Licensing Authority" means an agency or other entity of a State that is responsible for the licensing and regulation of Dentists or Dental Hygienists.

### **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

A. In order to join the Compact and thereafter continue as a Participating State, a State must:

1. Enact a compact that is not materially different from the Model Compact as determined in accordance with Commission Rules;
2. Participate fully in the Commission's Data System;
3. Have a mechanism in place for receiving and investigating complaints about its Licensees and License applicants;
4. Notify the Commission, in compliance with the terms of the Compact and Commission Rules, of any Adverse Action or the availability of Significant Investigative Information regarding a Licensee and License applicant;
5. Fully implement a Criminal Background Check requirement, within a time frame established by Commission Rule, by receiving the results of a qualifying Criminal Background Check;
6. Comply with the Commission Rules applicable to a Participating State;

7. Accept the National Board Examinations of the Joint Commission on National Dental Examinations or another examination accepted by Commission Rule as a licensure examination;

8. Accept for licensure that applicants for a Dentist License graduate from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

9. Accept for licensure that applicants for a Dental Hygienist License graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs;

10. Require for licensure that applicants successfully complete a Clinical Assessment;

11. Have Continuing Professional Development requirements as a condition for License renewal; and

12. Pay a participation fee to the Commission as established by Commission Rule.

B. Providing alternative pathways for an individual to obtain an unrestricted License does not disqualify a State from participating in the Compact.

C. When conducting a Criminal Background Check, the State Licensing Authority shall:

1. Consider that information in making a licensure decision;

2. Maintain documentation of completion of the Criminal Background Check and background check information to the extent allowed by State and federal law; and

3. Report to the Commission whether it has completed the Criminal Background Check and whether the individual was granted or denied a License.

D. A Licensee of a Participating State who has a Qualifying License in that State and does not hold an Encumbered License in any other Participating State, shall be issued a Compact Privilege in a Remote State in accordance with the terms of the Compact and Commission Rules. If a Remote State has a Jurisprudence Requirement, a Compact Privilege will not be issued to the Licensee unless the Licensee has satisfied the Jurisprudence Requirement.

#### **SECTION 4. COMPACT PRIVILEGE**

A. To obtain and exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Have a Qualifying License as a Dentist or Dental Hygienist in a Participating State;

2. Be eligible for a Compact Privilege in any Remote State in accordance with D, G, and H of this section;

3. Submit to an application process whenever the Licensee is seeking a Compact Privilege;

4. Pay any applicable Commission and Remote State fees for a Compact Privilege in the Remote State;

5. Meet any Jurisprudence Requirement established by a Remote State in which the Licensee is seeking a Compact Privilege;

6. Have passed a National Board Examination of the Joint Commission on National Dental Examinations or another examination accepted by Commission Rule;

7. For a Dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

8. For a Dental Hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs;

9. Have successfully completed a Clinical Assessment for licensure;

10. Report to the Commission Adverse Action taken by any non-Participating State when applying for a Compact Privilege and, otherwise, within thirty (30) days from the date the Adverse Action is taken;

11. Report to the Commission when applying for a Compact Privilege the address of the Licensee's primary residence and thereafter immediately report to the Commission any change in the address of the Licensee's primary residence; and

12. Consent to accept service of process by mail at the Licensee's primary residence on record with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, and consent to accept service of a subpoena by mail at the Licensee's primary residence on record with the Commission with respect to any action brought or investigation conducted by the Commission or a Participating State.

B. The Licensee must comply with the requirements of subsection A of this section to maintain the Compact Privilege in the Remote State. If those requirements

are met, the Compact Privilege will continue as long as the Licensee maintains a Qualifying License in the State through which the Licensee applied for the Compact Privilege and pays any applicable Compact Privilege renewal fees.

C. A Licensee providing dentistry or dental hygiene in a Remote State under the Compact Privilege shall function within the Scope of Practice authorized by the Remote State for a Dentist or Dental Hygienist licensed in that State.

D. A Licensee providing dentistry or dental hygiene pursuant to a Compact Privilege in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, by Adverse Action revoke or remove a Licensee's Compact Privilege in the Remote State for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a Remote State imposes an Adverse Action against a Compact Privilege that limits the Compact Privilege, that Adverse Action applies to all Compact Privileges in all Remote States. A Licensee whose Compact Privilege in a Remote State is removed for a specified period of time is not eligible for a Compact Privilege in any other Remote State until the specific time for removal of the Compact Privilege has passed and all encumbrance requirements are satisfied.

E. If a License in a Participating State is an Encumbered License, the Licensee shall lose the Compact Privilege in a Remote State and shall not be eligible for a Compact Privilege in any Remote State until the License is no longer encumbered.

F. Once an Encumbered License in a Participating State is restored to good standing, the Licensee must meet the requirements of subsection A of this section to obtain a Compact Privilege in a Remote State.

G. If a Licensee's Compact Privilege in a Remote State is removed by the Remote State, the individual shall lose or be ineligible for the Compact Privilege in any Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended; and

2. All conditions for removal of the Compact Privilege have been satisfied.

H. Once the requirements of subsection G of this section have been met, the Licensee must meet the requirements in subsection A of this section to obtain a Compact Privilege in a Remote State.

#### **SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES**

An Active Military Member and their spouse shall not be required to pay to the Commission for a Compact Privilege the fee otherwise charged by the Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may choose to charge a reduced fee or no fee to an Active Military Member and their spouse for a Compact Privilege.

#### **SECTION 6. ADVERSE ACTIONS**

A. A Participating State in which a Licensee is licensed shall have exclusive authority to impose Adverse Action against the Qualifying License issued by that Participating State.

B. A Participating State may take Adverse Action based on the Significant Investigative Information of a Remote State, so long as the Participating State follows its own procedures for imposing Adverse Action.

C. Nothing in this Compact shall override a Participating State's decision that participation in an Alternative Program may be used in lieu of Adverse Action and that such participation shall remain non-public if required by the Participating State's laws. Participating States must require Licensees who enter any Alternative Program in lieu of discipline to agree not to practice pursuant to a Compact Privilege in any other Participating State during the term of the Alternative Program without prior authorization from such other Participating State.

D. Any Participating State in which a Licensee is applying to practice or is practicing pursuant to a Compact Privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other Participating State in which the Dentist or Dental Hygienist holds a License or Compact Privilege.

E. A Remote State shall have the authority to:

1. Take Adverse Actions as set forth in Section 4.D against a Licensee's Compact Privilege in the State;

2. In furtherance of its rights and responsibilities under the Compact and the Commission's Rules, issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a State Licensing Authority in a Participating State for the attendance and testimony of witnesses, or the production of evidence from another Participating State, shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located; and

3. If otherwise permitted by State law, recover from the Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

F. Joint Investigations

1. In addition to the authority granted to a Participating State by its Dentist or Dental Hygienist licensure act or other applicable State law, a Participating State may jointly investigate Licensees with other Participating States.

2. Participating States shall share any Significant Investigative Information, litigation, or compliance materials in furtherance of any joint investigation initiated under the Compact.

G. Authority to Continue Investigation

1. After a Licensee's Compact Privilege in a Remote State is terminated, the Remote State may continue an investigation of the Licensee that began when the Licensee had a Compact Privilege in that Remote State.

2. If the investigation yields what would be Significant Investigative Information had the Licensee continued to have a Compact Privilege in that Remote State, the Remote State shall report the presence of such information to the Data System as required by Section 8.B.6 as if it was Significant Investigative Information.

**SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION**

A. The Compact Participating States hereby create and establish a joint government agency whose membership consists of all Participating States that have enacted the Compact. The Commission is an instrumentality of the Participating States acting jointly and not an instrumentality of any one (1) State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 11A.

B. Participation, Voting, and Meetings

1. Each Participating State shall have and be limited to one (1) Commissioner selected by that Participating State's State Licensing Authority or, if the State has more than one (1) State Licensing Authority, selected collectively by the State Licensing Authorities.

2. The Commissioner shall be a member or designee of such Authority or Authorities.



3. The Commission may by Rule or bylaw establish a term of office for Commissioners and may by Rule or bylaw establish term limits.

4. The Commission may recommend to a State Licensing Authority or Authorities, as applicable, removal or suspension of an individual as the State's Commissioner.

5. A Participating State's State Licensing Authority, or Authorities, as applicable, shall fill any vacancy of its Commissioner on the Commission within sixty (60) days of the vacancy.

6. Each Commissioner shall be entitled to one (1) vote on all matters that are voted upon by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;
2. Establish a code of conduct and conflict of interest policies;
3. Adopt Rules and bylaws;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;
6. Initiate and conclude legal proceedings or actions in the name of the Commission; provided, that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Participating State as the authenticated business records of the Commission, and designate a person to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Participating State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a Compact Privilege in a Remote State and thereafter, as may be established by Commission Rule, charge the Licensee a Compact Privilege renewal fee for each renewal period in which that Licensee exercises or intends to exercise the Compact Privilege in that Remote State. Nothing herein shall be construed to prevent a Remote State from charging a Licensee a fee for a Compact Privilege or renewals of a Compact Privilege, or a fee for the Jurisprudence Requirement if the Remote State imposes such a requirement for the grant of a Compact Privilege;
13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided, that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, which may be composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Elect a Chair, Vice Chair, Secretary, and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an Executive Board;

22. Adopt and provide to the Participating States an annual report;

23. Determine whether a State's enacted compact is materially different from the Model Compact language such that the State would not qualify for participation in the Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

#### D. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding subsection D.1 of this section, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours' prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Section 9.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

4. The Commission may convene in a closed, non-public meeting for the Commission to receive legal advice or to discuss:

- a. Non-compliance of a Participating State with its obligations under the Compact;
- b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current or threatened discipline of a Licensee or Compact Privilege holder by the Commission or by a Participating State's Licensing Authority;
- d. Current, threatened, or reasonably anticipated litigation;
- e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- f. Accusing any person of a crime or formally censuring any person;
- g. Trade secrets or commercial or financial information that is privileged or confidential;
- h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- i. Investigative records compiled for law enforcement purposes;
- j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged

with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or Participating State law; and

m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

#### E. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Participating State and impose fees on Licensees of Participating States when a Compact Privilege is granted, to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which

sufficient revenue is not provided by other sources. The aggregate annual assessment amount for Participating States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any Participating State, except by and with the authority of the Participating State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

#### F. The Executive Board

1. The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Board shall include:

- a. Overseeing the day-to-day activities of the administration of the Compact, including compliance with the provisions of the Compact, the Commission's Rules, and bylaws;
- b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Participating States, fees charged to Licensees, and other fees;
- c. Ensuring Compact administration services are appropriately provided, including by contract;
- d. Preparing and recommending the budget;

- e. Maintaining financial records on behalf of the Commission;
- f. Monitoring Compact compliance of Participating States and providing compliance reports to the Commission;
- g. Establishing additional committees as necessary;
- h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and
- i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Board shall be composed of up to seven (7) members:

- a. The Chair, Vice Chair, Secretary, and Treasurer of the Commission and any other members of the Commission who serve on the Executive Board shall be voting members of the Executive Board; and
- b. Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission may elect up to three (3) voting members from the current membership of the Commission.

3. The Commission may remove any member of the Executive Board as provided in the Commission's bylaws.

4. The Executive Board shall meet at least annually.

- a. An Executive Board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the Executive Board may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection D.4.

- b. The Executive Board shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise

determine to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings.

5. The Executive Board may hold an emergency meeting when acting for the Commission to:

- a. Meet an imminent threat to public health, safety, or welfare;
- b. Prevent a loss of Commission or Participating State funds; or
- c. Protect public health and safety.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that nothing herein



shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. Notwithstanding subsection G.1 of this section, should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual; provided, that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Participating States or by the Commission.

## **SECTION 8. DATA SYSTEM**

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure,

Adverse Action, and the presence of Significant Investigative Information on all Licensees and applicants for a License in Participating States.

B. Notwithstanding any other provision of State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a Licensee, License applicant, or Compact Privilege and information related thereto;
4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law);
6. The presence of Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

C. The records and information provided to a Participating State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Participating State.

D. Significant Investigative Information pertaining to a Licensee in any Participating State will only be available to other Participating States.

E. It is the responsibility of the Participating States to monitor the database to determine whether Adverse Action has been taken against a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Participating State will be available to any other Participating State.

F. Participating States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

G. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Participating State contributing the information shall be removed from the Data System.

## **SECTION 9. RULEMAKING**

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Commission Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Participating State; provided, however, that where the Rules of the Commission conflict with the laws of the Participating State that establish the Participating State's Scope of Practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

D. If a majority of the legislatures of the Participating States rejects a Commission Rule or portion of a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Participating State or to any State applying to participate in the Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;
2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and
3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;
2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;
3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Commission Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the rulemaking record.

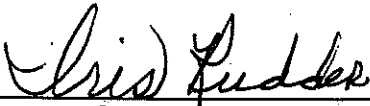
1. The Commission may adopt changes to the proposed Rule, provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with twenty-four (24) hours' notice, with opportunity to comment; provided, that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 502\***

**House Bill No. 916**

by deleting subdivision (a)(5)(B) in SECTION 1 and substituting:

(B) Does not include a managed care organization that is participating in:

(i) The medical assistance program under title 71, chapter 5; or

(ii) The CoverKids program under title 71, chapter 3, part 11, or a

successor program;

**AND FURTHER AMEND** by deleting the last sentence of subsection (h) in SECTION 1.

**AND FURTHER AMEND** by deleting subdivision (i)(1)(D) in SECTION 1 and substituting:

(D) A specialty pharmacy participating in the health insurance entity's specialty network shall not refuse to provide a clinician-administered drug based on the covered person's inability to pay the portion of the cost of such drug for which the covered person is responsible under the terms of the health insurance coverage.



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Amendment No. \_\_\_\_\_



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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 229\***

**House Bill No. 425**

by deleting the amendatory language in SECTION 1 and substituting:

(s) In addition to other categories of eligibility under this section, a woman is eligible for medical assistance up to twelve (12) months following the date on which the woman's pregnancy ends, regardless of changes in circumstances, if the woman, while pregnant, meets eligibility requirements for assistance under Section 1902 of the federal Social Security Act (42 U.S.C. § 1396a) and is enrolled in the TennCare program or a successor program. The bureau is authorized to seek a federal waiver, or an amendment to an existing waiver, to adjust financial eligibility levels for women who are made eligible under this subsection (s) and who are otherwise eligible for medicaid, subject to available appropriations.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1192**

**House Bill No. 1209\***

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

**SECTION 1.**

(a) There is created a property tax study committee to study property tax rates; methods of valuing and appraising property for purposes of levying property taxes; and policies and methods regarding statutory limits on tax increases, including an evaluation of such policies and methods and any expected effects in the short-term and long-term.

The committee will consist of ten (10) members as follows:

(1) Five (5) members of the senate, to be appointed by the speaker of the senate; and

(2) Five (5) members of the house of representatives to be appointed by the speaker of the house of representatives.

(b) The committee must choose as chair and vice chair committee members from the general assembly.

(c) The committee must study the current method of valuing and appraising property for purposes of levying residential property taxes in this state and similarly situated states. The committee must also study examples of states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property. The study must include:



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(1) A review of Article II, Section 28 of the Constitution of Tennessee, and relevant provisions of Tennessee Code Annotated, Title 67, Chapter 5, and other applicable state law, and any legal implications or obstacles regarding changes to property tax laws in this state;

(2) A comparison of the structure of property taxes in similarly situated states and states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property, including, but not limited to, California's Proposition 13, which was adopted by voters in 1978;

(3) Economic and fiscal effects of the current property tax structure on taxpayers and local governments and the reasonably anticipated impacts proposed changes, or other states' structures if applied, will have on taxpayers and local governments, and those impacts in the short-term and long-term; and

(4) Ancillary or collateral effects that may be reasonably anticipated to result from a change to the current property tax structure or as seen in other states, particularly in those that have enacted limits on property tax increases in some form or another, including impacts to housing inventory or homeowner mobility.

(d) The committee shall report its findings on or before February 1, 2024, and may in that report provide any legislative recommendations the committee finds appropriate.

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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 75**

**House Bill No. 28\***

by inserting the following new sections immediately before the last section and redesignating the last section accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 13-3-303, is amended by designating the existing language as subsection (a) and adding the following subsection (b):

A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION \_\_\_. Tennessee Code Annotated, Section 13-4-201, is amended by deleting the first sentence and substituting:

The commission shall make and adopt an official general plan for the physical development of the municipality, excluding areas outside of its boundaries; provided, that a plan may authorize a municipality to plan for the physical development of areas outside of its boundaries if, in the commission's judgment, the development bears a rational relationship to the planning of the municipality, and the municipality and county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION \_\_\_. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following new subsection:



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(d) A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

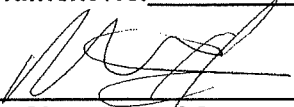
SECTION \_\_. Tennessee Code Annotated, Section 13-7-301, is amended by deleting the language ", whose proposed subdivision is outside the corporate limits of any municipality located within the regional planning district,".

SECTION \_\_. Tennessee Code Annotated, Section 13-7-302, is amended by deleting the section.

SECTION \_\_. Tennessee Code Annotated, Section 13-7-303, is amended by deleting the section and substituting:

Before the adoption of a municipal or regional plan authorizing a municipality to adopt planning or zoning ordinances outside of its jurisdictional boundaries, the county in which the property subject to such municipal regulation is located shall execute an interlocal agreement with the municipality specifying the extent of the municipality's authority outside of its jurisdictional boundaries to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population, the uses of land, buildings, and structures, and similar regulations in furtherance of the economic development of the property. The interlocal agreement must be ratified by a majority of the legislative body of the municipality and the county.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 75**

**House Bill No. 28\***

by deleting the language "department of economic and community development" in Section 17(a) and substituting instead "Tennessee emergency management agency".

**AND FURTHER AMEND** by inserting the following new sections immediately before the last section and redesignating the last section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 13-3-303, is amended by designating the existing language as subsection (a) and adding the following subsection (b):

A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION \_\_. Tennessee Code Annotated, Section 13-4-201, is amended by deleting the first sentence and substituting:

The commission shall make and adopt an official general plan for the physical development of the municipality, excluding areas outside of its boundaries; provided, that a plan may authorize a municipality to plan for the physical development of areas outside of its boundaries if, in the commission's judgment, the development bears a rational relationship to the planning of the municipality, and the municipality and county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.



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SECTION \_\_. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following new subsection:

(d) A plan adopted under this section must not vest a municipality with the power to exercise any planning or zoning authority over unincorporated areas of a county outside of its jurisdictional boundaries unless the municipality and the county execute an interlocal agreement to such effect with specificity as to the extent of the municipality's authority.

SECTION \_\_. Tennessee Code Annotated, Section 13-7-301, is amended by deleting the language ", whose proposed subdivision is outside the corporate limits of any municipality located within the regional planning district,".

SECTION \_\_. Tennessee Code Annotated, Section 13-7-302, is amended by deleting the section.

SECTION \_\_. Tennessee Code Annotated, Section 13-7-303, is amended by deleting the section and substituting:

Before the adoption of a municipal or regional plan authorizing a municipality to adopt planning or zoning ordinances outside of its jurisdictional boundaries, the county in which the property subject to such municipal regulation is located shall execute an interlocal agreement with the municipality specifying the extent of the municipality's authority outside of its jurisdictional boundaries to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population, the uses of land, buildings, and structures, providers authorized to acquire or maintain utility properties and service rights, and similar regulations in furtherance of the economic development of the property. The interlocal agreement must be ratified by a majority of the legislative body of the municipality and the county.

SECTION \_\_. Tennessee Code Annotated, Section 6-51-102(b)(1), is amended by deleting the last sentence and substituting instead:

The plan of services must be reasonable with respect to the scope of the services to be provided and the timing of the services and, if applicable, in accordance with an interlocal agreement entered into under § 13-7-303.

SECTION \_\_. Tennessee Code Annotated, Section 6-51-112(a), is amended by deleting "Notwithstanding any other statute" and substituting instead "If authorized to acquire utility distribution properties and distribution rights pursuant to an interlocal agreement entered into under § 13-7-303 and,".

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1335**

**House Bill No. 1197\***

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

SECTION 1. Tennessee Code Annotated, Section 7-67-108(a)(4), is amended by adding the following as a new subdivision:

(C) Notwithstanding this section to the contrary:

(i) Effective July 1, 2023, the membership of a board of directors in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or any subsequent federal census, is vacated and reconstituted to consist of thirteen (13) directors as follows:

(a) The seven (7) longest standing board members as of June 30, 2023, shall be reappointed as members of the board and are to serve for the remainder of their existing terms. Such members may be reappointed for subsequent terms by the mayor of the county; provided, that the members meet the qualifications for membership and no more than one (1) appointee is appointed from the same metropolitan school district in the county;

(b) The governor appoints two (2) directors, with no more than one (1) appointee being a resident of the same grand division of this state;



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(c) The speaker of the house of representatives appoints two (2) directors, with no more than one (1) appointee being a resident of the same house district; and

(d) The speaker of the senate appoints two (2) directors, with no more than one (1) appointee being a resident of the same senatorial district;

(ii) In order to stagger the terms of the newly appointed directors, initial appointments are made as follows:

(a) The directors who are reappointed as members in accordance with subdivision (a)(4)(C)(i)(a) shall serve for the remainder of their terms that existed as of June 30, 2023;

(b) The directors appointed under subdivision (a)(4)(C)(i)(b) serve initial terms that expire on June 30, 2025;

(c) The directors appointed under subdivision (a)(4)(C)(i)(c) serve initial terms that expire on June 30, 2027; and

(d) The directors appointed under subdivision (a)(4)(C)(i)(d) serve initial terms that expire on June 30, 2029; and

(iii) Following the expiration of directors' initial terms as prescribed in subdivision (a)(4)(C)(ii), all terms are for six (6) years, to begin on July 1 and terminate on June 30, six (6) years thereafter; and

(iv) The appointing authorities shall strive to ensure that at least one (1) director is a female and at least one (1) director is of a racial minority.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND**

**House Bill No. 1557\***

by deleting Sections 2 and 3 and substituting instead:

SECTION 3. Section 8 of Chapter 121 of the Private Acts of 2004, as rewritten and amended by Chapter 84 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the following language from subsection (d):

Elections shall be held on the first Saturday in December in every odd-numbered year. At the election held in December 2001, and every other odd-numbered year thereafter, one (1) Councilman shall be elected for each ward. At the election held in December 2003, and every other odd-numbered year thereafter, one (1) Councilman for each ward and the Mayor shall be elected. The terms of office of the Mayor and Councilmen shall begin at the first regularly scheduled meeting of the Council in January next following their election, and they shall serve for a term of four (4) years and until their successors are elected and qualified.

and substituting instead the following:

Elections shall be held every even-numbered year on the first Thursday in August. At the election held in August 2024, and every other even-numbered year thereafter, one (1) Councilman for each ward and the Mayor shall be elected. At the election held in August 2026, and every other even-numbered year thereafter, one (1) Councilman shall be elected for each ward. The terms of the Mayor and Councilmen shall begin at the first regularly scheduled meeting of



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the Council in September next following their election, and they shall serve for a term of four (4) years and until their successors are elected and qualified.

SECTION 4. The terms of office of the incumbent mayor and councilmen on the effective date of this act are extended until their successors are elected and qualified as provided in Section 8 of the charter as amended by this act. If a vacancy occurs in any of such offices during the period such terms are extended, a qualified person shall be appointed to serve the remainder of the unexpired term in the manner provided in Section 13 of the charter.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Ashland City. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 711\***

**House Bill No. 898**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-1005(a), is amended by adding a new subdivision (4):

(4) In determining whether land is agricultural land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as agricultural land by the assessor of property.

SECTION 2. Tennessee Code Annotated, Section 67-5-1006(b), is amended by adding a new subdivision (3):

(3) In determining whether land is forest land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as forest land by the assessor of property.

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



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House Local Government 1

Amendment No. 1 to HB0090

Crawford  
Signature of Sponsor

**AMEND Senate Bill No. 600**

**House Bill No. 90\***

by deleting "orfor" in Section 3 and substituting instead "or for".

Amendment No. \_\_\_\_\_

*Debra Moody*

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 600**

**House Bill No. 90\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 9, Part 1, is amended by adding the following as a new section:

A county shall not expend funds for the purposes of assisting a person in obtaining a criminal abortion. This prohibition includes expending funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion that would be a criminal abortion if performed in this state. As used in this section, "criminal abortion" means an abortion that is prohibited by § 39-15-213 and does not include an abortion performed pursuant to § 39-15-213(c).

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 56, Part 1, is amended by adding the following as a new section:

A municipality shall not expend funds for the purposes of assisting a person in obtaining a criminal abortion. This prohibition includes expending funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion that would be a criminal abortion if performed in this state. As used in this section, "criminal abortion" means an abortion that is prohibited by § 39-15-213 and does not include an abortion performed pursuant to § 39-15-213(c).

SECTION 3. Tennessee Code Annotated, Title 7, Chapter 3, Part 1, is amended by adding the following as a new section:

A metropolitan government shall not expend funds for the purposes of assisting a person in obtaining a criminal abortion. This prohibition includes expending funds as



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part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion that would be a criminal abortion if performed in this state. As used in this section, "criminal abortion" means an abortion that is prohibited by § 39-15-213 and does not include an abortion performed pursuant to § 39-15-213(c).

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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 125\***

**House Bill No. 126**

by deleting all language after the enacting clause and substituting:

SECTION 1. The boundary line between Shelby County and Fayette County shall be revised so that the new boundary line is established as follows:

Starting at 881979.25, 339362.988 using state plane coordinate system feet to the north ROW line of U.S. Route 64 and also being the Shelby/Fayette Census County line used during the 2020 decennial census, then continuing to follow the north ROW line of U.S. Route 64 to 882208.999, 339462.774 being the southeast corner of the city of Arlington boundary and the north ROW of Braggs Drive. 882446.823, 347518.595 to 882678.993, 347556.253 north to 882999.026, 352890.871 being the north line of Donaldson Drive, then 883069.42, 352904.659 to 883088.68, 353336.334 to 882946.247, 353335.427 north to 883405.242, 359782.405 west 883159.589, 359801.227 north 883187.697, 360769.797 to 883183.462, 361179.937 then with a line identified as "county line" in the Fayette County parcel data 883494.906, 361324.25 then with a line identified as "county line" in the Fayette County parcel data 883199.561, 361485.534 then with a line identified as "county line" in the Fayette County parcel data 884030.465, 361643.962 then with a line identified as "county line" in the Fayette County parcel data 883502.208, 362294.051 northerly 883570.648, 362509.372, to 883621.035, 362788.147 then to the south ROW line of I-40 883683.362, 363764.332 to 884088.462, 368912.876 to 884122.047, 369526.035 to south side of ROW 884183.894, 370489.372 crossing ROW 884184.303, 370519.051 to 884139.163, 371413.127 to 884117.892, 372149.138 to 884020.079, 374931.699 crossing railroad 884161.515, 378467.292 to



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north line of the city of Arlington boundary then southwesterly to 884078.532,  
378415.714 being the Shelby/Fayette Census County line used during the 2020  
decennial census.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it.



House Elections & Campaign Finance Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 477\***

**House Bill No. 632**

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

SECTION \_\_. Tennessee Code Annotated, Section 2-3-308(a), is amended by deleting the language ", during or prior to 2020,".

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| Date _____        |
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House Property & Planning Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 554\***

**House Bill No. 781**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8)(B), is amended by deleting subdivision (i) and substituting:

(i) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government shall adopt the requirements by either ordinance or resolution, as appropriate. Mandatory sprinkler requirements may be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

SECTION 2. This act takes effect July 1, 2023, 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. 1034\***

**House Bill No. 1134**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 5-6-109, is amended by deleting the language "prepared in accordance with the provisions of title 8, chapter 19, to be approved by the county legislative bodies" and substituting instead "prepared, executed, filed, and recorded in accordance with title 8, chapter 19".

SECTION 2. Tennessee Code Annotated, Section 5-13-103(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 3. Tennessee Code Annotated, Section 5-14-103(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 4. Tennessee Code Annotated, Section 5-21-109(d), is amended by deleting the subsection and substituting instead:

(d) The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 5. Tennessee Code Annotated, Section 8-8-103, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the sheriff shall take an oath to support the constitutions of this state and of the United States, and an oath of office



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pursuant to § 8-8-104. The sheriff shall execute an official bond in an amount of one hundred thousand dollars (\$100,000), or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 6. Tennessee Code Annotated, Section 8-9-103, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the coroner shall execute an official bond in an amount of two thousand five hundred dollars (\$2,500) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 7. Tennessee Code Annotated, Section 8-10-106(a), is amended by deleting the subsection and substituting instead:

(a) Before entering into the duties of the office, the constable shall take an oath to support the constitutions of this state and of the United States, and an oath of office, pursuant to § 8-10-108. Each constable shall execute an official bond in an amount of four thousand dollars (\$4,000) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 8. Tennessee Code Annotated, Section 8-11-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county trustee shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county trustee shall execute an official bond in at least the minimum amount required by § 8-11-103. The county legislative body may by resolution require a greater amount of bond for the county trustee than the minimum required by § 8-11-103. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter

19. The county legislative body may by resolution require that the county trustee enter into an additional bond at any time during the term of office of the county trustee.

SECTION 9. Tennessee Code Annotated, Section 8-11-103, is amended by deleting subsections (d) and (e).

SECTION 10. Tennessee Code Annotated, Section 8-12-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county surveyor shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county surveyor shall execute an official bond in an amount of two thousand dollars (\$2,000) or such greater amount as the county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 11. Tennessee Code Annotated, Section 8-13-102, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the county register shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county register shall execute an official bond. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 12. Tennessee Code Annotated, Section 18-2-201, is amended by deleting subsection (c).

SECTION 13. Tennessee Code Annotated, Section 18-6-101, is amended by adding the following new subsection:

( ) Before entering into the duties of the office, the county clerk shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The county clerk shall execute an official bond. The bond must be prepared, executed, filed, and recorded in accordance with the provisions of title 8, chapter 19. The amount of the bond must be in the sum of fifty thousand dollars (\$50,000) in

counties with a population of less than fifteen thousand (15,000) and one hundred thousand dollars (\$100,000) in counties with a population of fifteen thousand (15,000) or more, according to the 2020 federal census or a subsequent federal census, or in such greater amount as the county legislative body by resolution may determine.

SECTION 14. Tennessee Code Annotated, Section 9-3-301(c), is amended by deleting the last sentence of the subsection and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 15. Tennessee Code Annotated, Section 67-1-505(a), is amended by deleting the subsection and substituting instead:

(a) Before entering into the duties of the office, the county assessor shall take an oath to support the constitutions of this state and of the United States, and an oath of office pursuant to § 67-1-507. Each county assessor shall enter into an official bond, payable to this state, in the sum of fifty thousand dollars (\$50,000) and conditioned as required by § 8-19-111. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 16. Tennessee Code Annotated, Section 54-4-103(c), is amended by deleting the last sentence and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 17. Tennessee Code Annotated, Section 54-7-108, is amended by deleting the section and substituting instead:

Before entering into the duties of the office, the chief administrative officer shall take an oath to support the constitutions of this state and of the United States, and an oath of office. The chief administrative officer shall execute an official bond in an amount of one hundred thousand dollars (\$100,000) or such greater amount as the

county legislative body by resolution may determine. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 18. Tennessee Code Annotated, Section 8-19-101(d), is amended by deleting the subsection and substituting instead:

(d) County governments shall obtain and maintain blanket surety bond coverage for all county employees not covered by individual bonds referenced elsewhere in statute. The minimum amount of such blanket bonds is one hundred fifty thousand dollars (\$150,000).

SECTION 19. Tennessee Code Annotated, Section 8-19-101(e), is amended by deleting the subsection and substituting instead:

(1) In lieu of a bond, county legislative bodies may elect to obtain and pay the premiums or other costs with respect to a policy of insurance issued by an insurance company duly authorized to do business in this state or an agreement with a pool established pursuant to § 29-20-401 or any entity established pursuant to § 29-20-401(b)(2) for administration of such agreement, that provides government crime coverage, employee dishonesty insurance coverage, or equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities. Any such policy or agreement maintained must have limits of not less than four hundred thousand dollars (\$400,000) per occurrence.

(2) A policy or agreement satisfying the requirements set forth in subdivision (e)(1) is deemed to be a blanket bond for each official or office identified in the policy or agreement for all purposes under this chapter.

(3) A certificate of insurance, policy, or endorsement must be recorded in the register's office and then filed with the county clerk.

(4) If the policy of insurance maintained by the county ceases to provide coverage to the officeholder for any reason, the officeholder has thirty (30) days from the

date of termination of coverage to record and file a bond or other proof of insurance coverage.

(5) If a governmental entity obtains and pays premiums on an insurance policy or agreement pursuant to this subsection (e), then the monetary limits pursuant to the Tennessee Governmental Tort Liability Act, compiled in title 29, chapter 20, do not increase.

SECTION 20. Tennessee Code Annotated, Section 8-19-102(a), is amended by deleting the subsection and substituting instead:

(1) A county official who is required by law to give an official bond shall execute such bond when the bond becomes available after election or appointment to office, but not later than thirty (30) days from the beginning of the term of office. The effectiveness of an official bond relates back to the beginning of the term of office so long as it is executed within the time allowed by law.

(2) The county legislative body shall appropriate sufficient funds to pay the premiums on the official bonds of county officials and such employees of the county that are required by law to be bonded. Each county shall competitively bid the purchase of official bonds and other surety bonds. Blanket bonds must be used unless such bonds are unavailable or circumstances require the bonding of an individual separately from the blanket bond agreement. A county shall only purchase bonds from a surety company authorized to do business in this state as surety. If no surety company is willing to serve as surety for a particular person who is required to give bond, the county legislative body may by resolution authorize either the use of personal sureties for such person with such personal sureties to be approved by the county mayor, or the use of a cash bond approved by the county mayor with the cash to be deposited with the county trustee.

(3) Notwithstanding another law to the contrary, the county legislative body is not required to approve an official bond or surety bond of a county official or employee on or



after July 1, 2023. However, this does not remove the authority of the county legislative body to require bond amounts in excess of the statutory minimum as provided by law.

(4) The official county bond forms and other bonds required pursuant to this section must be made available for execution at the office of the county clerk.

(5) Each county official or employee required to execute an official bond or surety bond, other than bonds required by law to be approved by judges or chancellors, shall submit the bond for approval by the county mayor in accordance with § 8-19-112, and if sufficient and regular, the county mayor shall approve the bond in accordance with § 8-19-113.

(6) The bond of the county mayor must be approved by the judge of the court of general sessions in the county or the judge of the first division of such court if the county has more than one (1) general sessions court judge.

(7) If the bond of a county official or employee is disapproved, the approving authority shall inform the county clerk and the person executing the bond of the insufficiency or irregularity, and a new bond must be executed and submitted to the approving authority for approval. After approval, the approving authority shall transmit the approved bond to the county clerk who shall record the executed and approved official bond of each county official and surety bond of each county employee required to give bond with the county register of deeds, and, after recording, the county clerk shall file these bonds in the office of the county clerk.

(8) This part does not apply to notaries public.

(9) This part does not apply to a special deputy sheriff bonded pursuant to § 8-8-303.

SECTION 21. Tennessee Code Annotated, Title 8, Chapter 19, is amended by deleting Sections 8-19-104 and 8-19-118 – 8-19-120.

SECTION 22. Tennessee Code Annotated, Section 8-19-115, is amended by deleting the section and substituting instead:

Official bonds, including blanket bonds, and each rider or attachment thereto, required by law to be filed in the office of the county clerk or secretary of state, must be filed within thirty (30) days after the election or appointment of the person named in the bond, rider, or attachment.

SECTION 23. Tennessee Code Annotated, Section 8-19-117, is amended by deleting the section and substituting instead:

An officer required by law to give an official bond who fails to execute the bond when the bond is available and transmit the bond to the proper officer for approval within thirty (30) days from the time the bond becomes available for execution, forfeits the office and a vacancy in the office occurs, whether or not the officer has taken an oath of office. It is the duty of the officer who is to receive the executed official bond to certify the failure to execute and transmit the bond in the time required by this section to the official or body who has the power to elect or appoint a successor to the office.

SECTION 24. Tennessee Code Annotated, Section 8-16-104, is amended by deleting the section and substituting instead:

Every notary public, before entering upon the duties of office, shall give bond executed by a surety company authorized to do business in this state. If a notary public cannot obtain a bond executed by a surety company authorized to do business in this state, the county legislative body may approve two (2) or more good sureties in lieu of a bond from a surety company. The bond must be in the penalty amount of ten thousand dollars (\$10,000), payable to this state, conditioned upon the faithful discharge of the notary's duties. The notary public shall present the executed official bond to the county clerk in the county where elected. The county clerk shall review the bond presented by the notary public for compliance with this section, and upon the clerk's satisfaction of compliance with this section, shall file the bond in the office of the county clerk. A person elected a notary public that performs an official act as a notary public prior to filing a bond as required by this section commits a Class C misdemeanor.

SECTION 25. Tennessee Code Annotated, Section 8-15-102, is amended by deleting the section and substituting:

Such auditor must be employed by a committee of not less than three (3), appointed by the county legislative body from the members of the legislative body, which committee shall require the accountant so employed to furnish bond for the faithful performance of the accountant's duties. The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 26. Tennessee Code Annotated, Section 54-9-119, is amended by deleting the last sentence and substituting instead:

The bond must be prepared, executed, filed, and recorded in accordance with title 8, chapter 19.

SECTION 27. If any provision of this act or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this 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 28. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 207**

**House Bill No. 254\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-702, is amended by deleting the language "twenty-seven thousand dollars (\$27,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 2. Tennessee Code Annotated, Section 67-5-702(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2025".

SECTION 3. Tennessee Code Annotated, Section 67-5-703, is amended by deleting the language "twenty-seven thousand dollars (\$27,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 4. Tennessee Code Annotated, Section 67-5-703(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2025".

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to tax years beginning on or after that date.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 397**

**House Bill No. 33\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

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

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, Part 6, is amended by adding the following new section:

(a) Countywide emergency response frameworks must include assessors of property at the option of an assessor to monitor events related to disasters or emergencies that have affected or have the potential to affect the condition of real or tangible personal property within individual assessors' jurisdictions.

(b) Assessors of property and county emergency management officials shall coordinate when their respective jurisdictions conduct joint preliminary damage assessments. Final copies of joint preliminary damage assessments must be made available to assessors upon request.

(c) Assessors of property, through coordination with county emergency management officials, have unrestricted rights in the performance of official duties to enter and inspect property within disaster areas to include all property having been affected or potentially affected by disaster or other related events.

SECTION 2. Tennessee Code Annotated, Section 67-5-303(a), is amended by adding the following new subdivision:

(4) All records held, maintained, or created by county and municipal public agencies must be made available to assessors of property for the purposes of property valuation and all other official duties.

SECTION 3. Tennessee Code Annotated, Section 67-5-603, is amended by adding the



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following new subsection:

(d) In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of an affected building or improvement in a county included in the presidential declaration must be prorated as otherwise provided in subsection (a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, notwithstanding the building or improvement is restored or replaced by September 1; provided, the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 using a form approved by the director of the state division of property assessments. This subsection (d) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

SECTION 4. Tennessee Code Annotated, Section 67-5-606, is amended by adding the following new subsection:

( ) In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of commercial and industrial tangible personal property that is destroyed, demolished, or substantially damaged as a result of being located in a county included in the presidential declaration shall be prorated as otherwise provided in subsection (a), for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, if the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 of the following year using a form approved by the director of the state division of property assessments. The owner shall provide the assessor of

property a listing of the destroyed, demolished, or substantially damaged personal property for which the proration is sought. This subsection (c) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

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

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 978**

**House Bill No. 828\***

by deleting the following language:

**It's the Law! Please Read...**

It is a violation of Tennessee Code Annotated, Section 2-7-115(b), and punishable as a Class C misdemeanor under Tennessee Code Annotated, Section 2-19-102, if a person votes in a political party's primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party.

and substituting instead:

**It's the Law! Please Read...**

It is a violation of Tennessee Code Annotated, Section 2-7-115(b), and punishable as a crime under Tennessee Code Annotated, Section 2-19-102 or Section 2-19-107, if a person votes in a political party's primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 385\***

**House Bill No. 419**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-6-710(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) The department shall remit the proceeds of the tax to the county, city, or town levying the tax, less a reasonable amount to assist in defraying the expenses of administration and collection. The deduction amount is calculated as follows:

(A) For a fiscal year that begins prior to July 1, 2023, one and one hundred twenty-five thousandths percent (1.125%);

(B) For the fiscal year beginning July 1, 2023, and ending June 30, 2024, one percent (1.0%);

(C) For the fiscal year beginning July 1, 2024, and ending June 30, 2025, three-quarters of one percent (0.75%); and

(D) For a fiscal year that begins on or after July 1, 2025, one-half of one percent (0.5%).

SECTION 2. This act applies only to the local option sales tax levied pursuant to the 1963 Local Option Revenue Act, compiled in Tennessee Code Annotated, Title 67, Chapter 6, Part 7.

SECTION 3. This act takes effect upon becoming a law, 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. 513\***

**House Bill No. 471**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Landowner Bill of Rights."

SECTION 2. Tennessee Code Annotated, Title 66, is amended by adding the following as a new chapter:

**66-38-101. Findings; purpose and intent.**

The general assembly finds that:

(1) The right to own and use private property is a fundamental right, essential to the continued vitality of a democratic society;

(2) Governmental regulation of the use and development of property must be carried out in a manner that appropriately balances the needs of the public with the rights and legitimate expectations of the landowner;

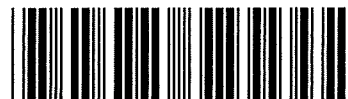
(3) The takings clause of the Fifth Amendment of the United States Constitution and Article I, Section 21 of the Tennessee Constitution both prohibit the taking of private property for public use without just compensation;

(4) The Tennessee supreme court held in *Phillips v. Montgomery County*, 442 S.W.3d 233 (2014) that article I, section 21 of the Tennessee Constitution should be interpreted in the same manner as the takings clause of the Fifth Amendment of the United States Constitution;

(5) An individual private property owner should not be required, as a condition of a land use approval or issuance of a development permit of any kind,



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to bear the financial burden of public improvements that are not directly related to the development of that specific property;

(6) County and municipal governments in in this state are authorized by state law to enact and amend zoning ordinances by a majority vote. Requiring a supermajority vote for zoning ordinances in counties with a metropolitan form of government for which the planning commission recommends disapproval is inconsistent with how other cities and counties in this state are treated; and

(7) The fair, consistent, and reasonable treatment of landowners regarding the use and development of their property, whether located in a municipality, county, or metropolitan form of government is a matter of statewide concern.

**66-38-102. Definitions.**

As used in this chapter:

(1) "Approval" means a permit or authorization issued by a metropolitan government for the use or development of property, including, but not limited to, the following:

- (A) A change in land use category or zoning;
- (B) Approval of a site plan or development plan;
- (C) A use and occupancy permit;
- (D) A grading permit;
- (E) A foundation permit;
- (F) A building permit;
- (G) An electrical permit;
- (H) A permit to access a water or sewer utility operated by a metropolitan government; and
- (I) A stormwater permit;

(2) "Essential nexus" means a relationship or connection between a landowner's use or development of their property and a burden that is placed upon a metropolitan government's resources or infrastructure as a result;

(3) "Landowner" means the owner of a parcel of property within this state for which the landowner, or someone in privity of contract with the landowner, is seeking approval from a metropolitan government to use or develop the property;

(4) "Metropolitan government" means a county having a metropolitan form of government; and

(5) "Roughly proportional" means that the amount of the dedication of an interest in real property or required monetary payment to a metropolitan government must be proportional to the development's anticipated impacts on a metropolitan government's services and infrastructure, including, but not limited to, roads, sidewalks, water and sewer infrastructure, and stormwater infrastructure resulting from the proposed use or development of property.

**66-38-103. Restrictions on a metropolitan government's approval authority.**

(a) In exercising a power related to the approval of the use or development of property, a metropolitan government shall not require a landowner to dedicate a real property interest to the metropolitan government, or to pay money to the metropolitan government in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property.

(b) If a metropolitan government requires a landowner to dedicate a real property interest or pay money as a condition for approval, the metropolitan government shall, upon the written request of the landowner, provide the landowner a written explanation, within ten (10) days of the request, regarding the essential nexus of the

dedication of property or payment and how it is roughly proportional to the proposed use or development of the property.

(c) If a landowner is not satisfied with the written explanation from a metropolitan government regarding the required dedication or monetary payment, the landowner may seek relief through a common law writ of certiorari in chancery court.

(d) If a landowner prevails against a metropolitan government in such an action, the landowner is entitled to recover damages from the metropolitan government, as well as reasonable attorney fees and court costs. The measure of damages may include, but not be limited to, the following:

(1) The value of the required dedication that does not meet the essential nexus and rough proportionality tests provided in this chapter;

(2) The amount of the monetary payment paid plus interest at the rate of ten percent (10%) per annum;

(3) The value of lost sales due to a delay in approval; and

(4) Reimbursement for increased development and financing costs related to a delay in approval, such as an increase in the costs of materials and financing cost increases.

(e) This section does not apply to a dedication, assessment, fee, or charge that is imposed on a broad class of property owners by a metropolitan government, including lawfully enacted impact fees and adequate facilities taxes.

SECTION 3. Tennessee Code Annotated, Title 7, is amended by adding the following as a new chapter:

**7-70-101. Findings; declaration of purpose.**

The general assembly finds, determines, and declares that:

(1) This state encourages private economic investment and opportunities throughout the state;

(2) Businesses should have the freedom to choose which philanthropic organizations they want to support;

(3) Requiring or conditioning metropolitan government approvals, explicitly or implicitly, upon a private individual or entity contracting with another non-government entity to provide certain community benefits is a violation of public policy and should be prohibited; and

(4) Prohibiting certain community benefits agreement requirements is a matter of statewide concern, and, therefore, this chapter applies equally to all metropolitan governments and metropolitan government officials.

#### **7-70-102. Definitions.**

As used in this chapter:

(1) "Community benefits agreement" means an agreement or understanding of any type between a private entity and an organization that contractually binds the private entity to fund or provide specific attributes, services or amenities, or mitigations, or anything else of value whatsoever to a metropolitan government or organization; that establishes employment criteria of any type or form, including wage and hour criteria; or that provides for or requires the private entity to utilize a trade union or other unionized workforce where the employees collectively bargain with employers for wages, hours, or working conditions;

(2) "Metropolitan government" means a county having a metropolitan form of government;

(3) "Official" means an agent, employee, or an elected or appointed official of a metropolitan government;

(4) "Organization" means a non-governmental entity of any type, including, but not limited to, nonprofit corporations, organizations, clubs, associations, or groups; and

(5) "Private entity" means a private individual, company, developer, business, property owner, or any other non-government entity.

**7-70-103. Community benefits agreements prohibited by public policy.**

(a) A metropolitan government or official shall not condition a metropolitan government's or official's approval of a contract, legislation, or the issuance of a permit, approval, authorization, or other entitlement of any type upon the private entity being a party to a community benefits agreement.

(b) A metropolitan government or official shall not discriminate against or offer preferential treatment to a private entity based, either implicitly or explicitly, upon the private entity being a party to a community benefits agreement.

SECTION 4. Tennessee Code Annotated, Section 13-4-303, is amended by adding the following as a new subsection:

(e)

(1) Before adoption of subdivision regulations for a metropolitan government or any amendment thereof, the metropolitan planning commission shall hold a public hearing on the regulations or amendment. Notice of the time and place of the public hearing must be published in a newspaper of general circulation within the area of the metropolitan government at least thirty (30) days before the public hearing.

(2) The adoption of new subdivision regulations or an amendment to existing subdivision regulations proposed by a metropolitan planning commission is not effective until approved by an ordinance of the metropolitan council.

(3) All existing metropolitan government subdivision regulations in effect as of the effective date of this act must be ratified by an ordinance of the metropolitan council within one (1) year from the effective date of this act. If the metropolitan council fails to ratify the existing subdivision regulations within one (1) year from the effective date of this act, the subdivision regulations that were in

effect on January 1, 2023, govern the subdivision of land within the area of the metropolitan government until such time as the existing subdivision regulations are so ratified.

SECTION 5. Tennessee Code Annotated, Section 13-4-304, is amended by adding the following as a new subsection:

(e) In deciding whether to approve a subdivision plat within the area of a metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the general plan adopted pursuant to § 13-4-202.

SECTION 6. Tennessee Code Annotated, Section 13-3-404, is amended by adding the following new subsection (c):

(c) In deciding whether to approve a subdivision plat within the area of the metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the regional plan adopted pursuant to § 13-3-303.

SECTION 7. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.



Amendment No. \_\_\_\_\_

*Esther Helton-Haynes*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 983

House Bill No. 778\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-15-213(a)(1), is amended by adding the language "to terminate an ectopic or molar pregnancy," before the language "or to remove a dead fetus".

SECTION 2. Tennessee Code Annotated, Section 39-15-213, is amended by deleting subsection (c) and substituting the following:

(c) Notwithstanding subsection (b), a person who performs or attempts to perform an abortion does not commit the offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and the following conditions are met:

(1) The physician determined, using reasonable 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; and

(2) The physician performs or attempts to perform the abortion in the manner which, using reasonable medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of death to the pregnant woman or substantial and irreversible impairment of a major bodily function.



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(3) An abortion is not authorized under subdivision (c)(1) and a greater risk to the pregnant woman does not exist under subdivision (c)(2) if either determination is based upon a claim or a diagnosis that the pregnant woman will engage in conduct that would result in her death or the substantial and irreversible impairment of a major bodily function or for any reason relating to the pregnant woman's mental health.

SECTION 3. Tennessee Code Annotated, Section 39-15-213, is amended by adding the following as a new subsection:

( ) While this section is in effect, this section supersedes §§ 39-15-211, 39-15-212, 39-15-214, 39-15-215, 39-15-216, 39-15-217, and 39-15-218.

SECTION 4. Tennessee Code Annotated, Section 39-15-201, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 39-15-219(a)(6), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 56-26-134, is amended by deleting the language "abortion services. For purposes of this section, "abortion" has the same meaning as defined in § 39-15-201." and substituting instead "prohibited abortion services as described in § 39-15-213."

SECTION 7. The attorney general and reporter shall notify the Tennessee Code Commission in writing if § 39-15-213 is no longer in effect.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 963**

**House Bill No. 1081\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

( ) The defendant committed an offense under title 39, chapter 13, part 1, 2, 3, 4, or 5 while engaged in the performance of official duties as a law enforcement officer.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 542\***

**House Bill No. 606**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following new subdivisions:

- ( ) Violating § 36-1-108(a) or (b);
- ( ) Violating § 36-1-109;
- ( ) Providing services related to the placement of a child or children for adoption, including, but not limited to, counseling or facilitating, and the services are provided using false or misleading representations of fact or deceptive representations;

SECTION 2. Tennessee Code Annotated, Section 36-1-102, is amended by adding the following as a new subdivision:

- ( ) "Adoption facilitator":
  - (A) Means a person, corporation, agency, or other entity, located inside or outside of this state, who provides or engages in any of the following services in exchange for compensation in violation of § 36-1-108 or § 36-1-109, whether directly or indirectly:
    - (i) Soliciting parents who are considering placing their child for adoption, whether born or not yet born, for the purpose of acting as a link between the prospective adoptive parents, or the prospective adoptive parents' representative, attorney, or agency, for the transfer of legal or physical custody of their child, including but not limited to adoptive placement; or



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(ii) Soliciting prospective adoptive parents for the purpose of acting as a link between parents who are considering placing their child for adoption, whether born or not yet born, and the prospective adoptive parents, or the prospective adoptive parents' representative, attorney, or agency, for the transfer of legal custody of their child, including but not limited to adoptive placement; and

(B) Does not include:

- (i) The department;
- (ii) A licensed child-placing agency;
- (iii) A chartered child-placing agency;
- (iv) A licensed clinical social worker;
- (v) A licensed attorney;
- (vi) A prospective adoptive parent or parents; or
- (vii) A parent or parents considering placing their child for adoption.

SECTION 3. Tennessee Code Annotated, Section 36-1-108, is amended by deleting subdivision (a)(3) and substituting:

(3) Any advertisement in this state for the placement of children for adoption in another state by an agency or individual not licensed or authorized to do such business in this state must clearly disclose on any advertisement in this state for the placement of a child or children for adoption, the name of the government authority by which they are licensed, and that they are not licensed by the state of Tennessee. The disclosure must be in a form similar to "(Person/Entity) is (a child-placing agency/an attorney/a clinical social worker) licensed by (government authority). Not licensed in Tennessee."

(4) It is unlawful for an adoption facilitator to operate in this state, advertise their services within the boundaries of this state, or provide services to any resident of this

state including, but not limited to, prospective adoptive parents or parents considering placing their child, whether born or not yet born, for adoption.

SECTION 4. Tennessee Code Annotated, Section 36-1-108, is amended by deleting subdivision (c)(2) and substituting:

(2) If the court finds that any person, corporation, agency, or other entity has engaged in the illegal placement of children for adoption, that person, corporation, agency, or other entity is liable for all the costs of the legal proceedings and for all attorney fees for private persons or private agencies who brought the action, or for the cost of attorney and staff time for the department involved in the proceeding, or for other remedies pursuant to § 29-34-214.

SECTION 5. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

**29-34-214. Liability of adoption facilitator.**

(a) For purposes of this part, "adoption facilitation claim" means any claim for damages, losses, indemnification, contribution, or other relief against an adoption facilitator arising out of, based on, or in any way related to the adoption or prospective adoption of a child.

(b) Adoptive parents or prospective adoptive parents who have provided compensation, whether directly or indirectly, to an adoption facilitator as defined in § 36-1-102, may bring a civil action alleging an adoption facilitation claim against such adoption facilitator who acted in violation of title 36, chapter 1, or title 71, chapter 3, part 5.

(c) A person who brings a successful claim for adoption facilitation under this section may recover:

(1) Compensatory damages, including, but not limited to, noneconomic damages, as defined in § 29-39-101(2);

(2) Punitive damages, as provided in § 29-39-104, if appropriate; and

(3) Liquidated damages of no less than the greater of one hundred thousand dollars (\$100,000) or twice the total amount paid to the adoption facilitator. Liquidated damages must be awarded on a per-child basis for each child who is adopted in violation of state law.

(d) A claim or judgment entered against an adoption facilitator under this section does not affect the finalization of a pending adoption and must not be used to set aside a final order of adoption.

SECTION 6. Tennessee Code Annotated, Section 36-1-108, is amended by adding the following as a new subsection:

(e)

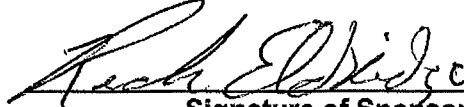
(1) A person commits an offense who engages or attempts to engage in placing a child or children for adoption in violation of the requirements of this part or title 71, chapter 3, part 5.

(2) A violation of subsection (e) is a Class A misdemeanor.

SECTION 7. The heading 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 8. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 521\***

**House Bill No. 760**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-1351(x), is amended by adding the following as a new subdivision:

The total fee required by subdivision (x)(2) must be waived if the applicant:

- (A) Is a retired veteran of the United States armed forces; and
- (B) Is a resident of this state on the date of application.

SECTION 2. This act takes effect January 1, 2024, 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. 1194**

**House Bill No. 1214\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (A) as subdivision (A)(i) and adding the following as a new subdivision:

(ii) Home schools that teach kindergarten through grade twelve (K-12), where the parents are associated with, and where students are enrolled with, a hybrid public charter school authorized by the Tennessee public charter school commission pursuant to § 49-13-106(k) that are supervised by the hybrid public charter school's director and that administer or offer standardized achievement tests, are exempt from this section.

SECTION 2. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by designating subdivision (B) as subdivision (B)(i) and adding the following as a new subdivision:

(ii) A parent who associates with a hybrid public charter school authorized by the commission to provide home school instruction to the parent's student in grades nine through twelve (9-12) must possess at least a high school diploma or a high school equivalency credential approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with this chapter and includes, unless the context otherwise requires, a hybrid public charter school authorized by the commission pursuant to § 49-13-106(k);



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SECTION 4. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Hybrid public charter school" means a public charter school authorized by the commission pursuant to § 49-13-106(k) to provide students the opportunity to enroll in, and the students' parents the opportunity to associate with, the public charter school to provide high-quality instruction to the parents' students in a traditional classroom setting and in a home school setting;

SECTION 5. Tennessee Code Annotated, Section 49-13-105, is amended by deleting subsection (a) and substituting instead the following:

(a) There is established the Tennessee public charter school commission as an independent state entity for the purpose of serving as a public charter school authorizer and the LEA for any public charter school it authorizes. The commission has the authority to authorize public charter schools on appeal of a local board of education's decision to deny a public charter school application, and the authority to directly authorize public charter schools as provided in this chapter. A public charter school that is authorized by the commission must operate within the geographic boundaries of the LEA that denied approval of the initial public charter school application or within the geographic boundaries of the LEA in which the commission has approved the charter sponsor to locate. The commission may adopt policies and procedures for the commission and the commission's authorized public charter schools.

SECTION 6. Tennessee Code Annotated, Section 49-13-106, is amended by adding the language ", including a hybrid public charter school," after the language "A public charter school" in subsection (e), by designating subsection (e) as subdivision (e)(1), and by adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized pursuant to subsection (l) to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) shall not charge registration fees,

enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and participating in the public charter school's residential or boarding program.

SECTION 7. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (f)(1):

(A) Hybrid public charter schools may be formed to provide quality educational options for students residing within this state; and

(B) Public charter schools may be formed pursuant to subsection (l) to provide residential or boarding programs for at-risk students in grades six through twelve (6-12) residing within this state.

SECTION 8. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (i) as subdivision (i)(1) and adding the following as a new subdivision:

(2)

(A) Notwithstanding subdivision (i)(1):

(i) If the sponsor seeks to establish a hybrid public charter school, then the sponsor shall apply directly to the commission; and

(ii) If the sponsor seeks to establish a public charter school pursuant to subsection (l), then the sponsor may apply to the local board of education or directly to the commission.

(B) A sponsor applying to establish a public charter school pursuant to subsection (k) or (l) must comply with § 49-13-107.

SECTION 9. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as new subsections:

(k)

(1) A sponsor may apply directly to the commission to establish a hybrid public charter school. The application process must be conducted in accordance with § 49-13-107 and with the following:

(A) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny a hybrid public charter school application no later than ninety (90) days after the commission receives the completed application;

(B) The grounds upon which the commission based a decision to deny a hybrid public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(C) The commission's decision is final and is not subject to appeal; and

(D) If the commission approves the application, then the commission is the authorizer and LEA for the hybrid public charter school.

(2)

(A) A hybrid public charter school shall provide in-person classroom instruction to enrolled students for no less than three (3), but no more than four (4), days per school week, as determined by the hybrid public charter school in consultation with the student's parent. Except as provided in subdivision (k)(2)(C), a parent of a student enrolled in a hybrid public charter school shall provide home school instruction to the parent's student for the remainder of the school week.

(B) A parent who associates with a hybrid public charter school authorized by the commission pursuant to this subsection (k) to provide home school instruction to the parent's student:

(i) Must possess at least a high school diploma or a high school equivalency credential approved by the state board of education if the parent is providing instruction to the parent's student in grades nine through twelve (9-12);

(ii) Is not required to hold a valid educator license; and

(iii) Is exempt from any background check requirements.

(C) Notwithstanding another law to the contrary, a parent of a student enrolled in a hybrid public charter school may elect for the hybrid public charter school to provide remote instruction to the parent's student each day of the week for which the parent's student is not receiving in-person classroom instruction. A hybrid public charter school that provides remote instruction to students pursuant to this subdivision (k)(2)(C) must track student attendance each day remote instruction is provided, and shall implement policies and procedures for the hybrid public charter school to request and receive daily visual, verbal, or written confirmation of student participation in such instruction.

(D) Notwithstanding another law to the contrary, a hybrid public charter school authorized by the commission pursuant to this subsection (k) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the public charter home school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(E) Funding for a hybrid public charter school authorized pursuant to this subsection (k) must comply with § 49-13-112.

(3)

(A) A hybrid public charter school authorized by the commission may enroll students residing in this state, regardless of whether the LEA

in which the hybrid public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) State school funds must follow a student into the LEA in which the hybrid public charter school is located and to which the student transfers pursuant to §§ 49-6-3003 and 49-6-3104.

(C) Tuition may be charged by the LEA in which the hybrid public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(D) If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

(4) Home school instruction provided by the parent of a student enrolled in a hybrid public charter school authorized by the commission pursuant to this subsection (k) must align with the academic standards adopted by the state board of education for the student's grade level and for the respective subject.

(5) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (k). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(l)

(1)

(A) A sponsor may apply to a local board of education or directly to the commission to establish a public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12). If the sponsor applies to a local board of education, then the application process must be conducted in accordance with §§ 49-13-

107 and 49-13-108. If the sponsor applies directly to the commission, then the application process must be conducted in accordance with § 49-13-107 and with the following:

(i) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny the public charter school application no later than ninety (90) days after the commission receives the completed application;

(ii) The grounds upon which the commission based a decision to deny the public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(iii) The commission's decision is final and is not subject to appeal; and

(iv) If the commission approves the application, then the commission is the authorizer and LEA for the public charter school.

(B) The governing body of a public charter school in operation on July 1, 2023, may petition the authorizer to amend the original charter agreement to allow the public charter school to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) in accordance with the timelines for approval and the appeal process determined by the commission pursuant to § 49-13-110(d) and its rules.

(2) A public charter school authorized pursuant to this subsection (l) to provide a residential or boarding program may be a separate-sex school that only enrolls students of a respective sex, as defined in § 49-2-802.

(3)

(A) A public charter school authorized pursuant to this subsection (l) may enroll students residing in this state, regardless of whether the LEA in which the public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) If the number of applications to participate in the public charter school's residential or boarding program exceeds the public charter school's residential or boarding capacity, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

(C) The state and local funds generated and required through the TISA, as defined in § 49-3-104, for an at-risk student must follow the student into the LEA in which a public charter school authorized pursuant to this subsection (l) is located, and to which the student transfers, if the at-risk student resides outside the geographic boundaries of the LEA in which the public charter school is located, enrolls in the public charter school, and participates in the residential or boarding program.

(4) Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) must be operated on a year-round basis, which shall not operate to reduce the level of state support to the public charter school. The commissioner of education shall make adjustments necessary to accommodate the public charter school's year-round operation so as not to diminish state financial support. The charter agreement for a public charter school authorized pursuant to this subsection (l) shall specify the date by



which the school year must commence. Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (l) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(5) Funding for a public charter school authorized pursuant to this subsection (l) must comply with § 49-13-112.

(6) As used in this subsection (l), "at-risk" means students who are:

(A) "Economically disadvantaged," as defined in § 49-3-104;

(B) Members of a family with a household income that meets the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771;

(C) At risk of educational disadvantage due to circumstances of abuse, neglect, or disability;

(D) At risk of state custody due to family dysfunction;

(E) Chronically absent, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.);

(F) Truant after having accumulated five (5) or more unexcused absences, or who have previously dropped out of school; or

(G) Expelled or who have been placed on probation or parole.

(7) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (l). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 10. Tennessee Code Annotated, Section 49-13-107(b), is amended by adding the following as a new subdivision:

(23) A plan for the construction, development, or purchase of residential or boarding facilities, if the proposed public charter school intends to provide a residential or boarding program for students pursuant to § 49-13-106(l), including a copy of all required permits, certificates, or other documentation evidencing the sponsor's ability to secure, provide, and safely operate the proposed residential or boarding program.

SECTION 11. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (b) as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1):

(A) A hybrid public charter school is open to all students residing within this state and may enroll students residing outside the geographic boundaries of the LEA in which the hybrid public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment; and

(B) A public charter school authorized by the commission to provide a residential or boarding program for at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(l):

(i) Is open to all at-risk students in grades six through twelve (6-12) residing within this state; and

(ii) May enroll at-risk students in grades six through twelve (6-12) residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (c) as subdivision (c)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (c)(1), a public charter school authorized by a local board of education to provide a residential or boarding program for at-risk students in grade six through twelve (6-12) pursuant to § 49-13-106(l):

(A) May enroll at-risk students in grades six through twelve (6-12) residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the LEA has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment; and

(B) Shall not charge registration fees, enrollment fees, or tuition to at-risk students who are enrolled in the public charter school and who are participating in the public charter school's residential or boarding program.

SECTION 13. Tennessee Code Annotated, Section 49-13-113(d), is amended by deleting subdivision (3) as subdivision (3)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(3)(A):

(i) If the number of applications for a hybrid public charter school exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available; and

(ii) If the number of applications to participate in a residential or boarding program provided by a public charter school pursuant to § 49-13-106(l) exceeds the public charter school's residential or boarding capacity, then the public charter school shall not conduct an enrollment lottery, but shall maintain a waitlist to notify parents and students if space becomes available.

SECTION 14. Tennessee Code Annotated, Section 49-13-113(d), is amended by designating subdivision (5) as subdivision (5)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (d)(5)(A):

(i) A hybrid public charter school shall not give an enrollment preference to children of a teacher employed by the hybrid public charter school or to the children of a member of the hybrid public charter school's governing body; and

(ii) A public charter school that provides a residential or boarding program pursuant to § 49-13-106(l) shall not give an enrollment or participation

preference for the public charter school's residential or boarding program to children of a teacher employed by the public charter school or to the children of a member of the public charter school's governing body.

SECTION 15. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) and substituting instead the following:

(a) The governing body of a public charter school seeking renewal shall, no later than April 1 of the year prior to the year in which the charter expires, submit a renewal application on the application form developed by the department of education to:

(1) The local board of education, if the local board of is the authorizer;

(2) The commission, if the public charter school is a hybrid public charter school or if the commission is the authorizer for a public charter school providing a residential or boarding program pursuant to § 49-13-106(l); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school is not a hybrid public charter school or a public charter school authorized by the commission to provide a residential or boarding program pursuant to § 49-13-106(l).

SECTION 16. Tennessee Code Annotated, Section 49-13-108(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

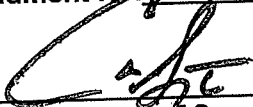
(A) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial.

(B) Upon the sponsor's receipt of the grounds for denial, the sponsor may submit an amended application to the local board of education to correct any deficiencies. An amended application to correct deficiencies must be submitted to the local board of education no later than thirty (30) days from the date on which the sponsor received the grounds for denial. The local board of

education has sixty (60) days from its receipt of an amended application to approve or deny the amended application. If the local board of education fails to approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

(C) A sponsor is not required to submit an amended application to the local board of education before appealing the local board's decision to deny the sponsor's charter application to the commission. The sponsor may immediately appeal the local board of education's initial decision to deny the sponsor's charter application to the commission in accordance with subdivision (b)(5).

SECTION 17. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 16 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take effect January 1, 2024, the public welfare requiring it.

Amendment No. 7  
  
Signature of Sponsor

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| Date _____        |
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**AMEND Senate Bill No. 1194**

**House Bill No. 1214\***

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

SECTION 1. Tennessee Code Annotated, Section 49-13-105, is amended by deleting subsection (a) and substituting instead the following:

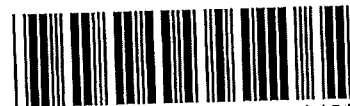
(a) There is established the Tennessee public charter school commission as an independent state entity for the purpose of serving as a public charter school authorizer and the LEA for any public charter school it authorizes. The commission has the authority to authorize public charter schools on appeal of a local board of education's decision to deny a public charter school application, and the authority to directly authorize public charter schools as provided in this chapter. A public charter school that is authorized by the commission must operate within the geographic boundaries of the LEA that denied approval of the initial public charter school application or within the geographic boundaries of the LEA in which the commission has approved the charter sponsor to locate. The commission may adopt policies and procedures for the commission and the commission's authorized public charter schools.

SECTION 2. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (e) as subdivision (e)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (e)(1), a public charter school authorized pursuant to subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) shall not charge registration fees, enrollment fees, or tuition to the at-risk students enrolled in the public charter school.



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SECTION 3. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (f)(1), public charter schools may be formed pursuant to subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) residing within this state.

SECTION 4. Tennessee Code Annotated, Section 49-13-106, is amended by designating subsection (i) as subdivision (i)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (i)(1), if the sponsor seeks to establish a public charter school pursuant to subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12), then the sponsor may apply to the local board of education or directly to the commission. A sponsor applying to establish such a public charter school must comply with § 49-13-107.

SECTION 5. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as a new subsection:

(k)

(1)

(A) A sponsor may apply to a local board of education or directly to the commission to establish a public charter school to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to this subsection (k). If the sponsor applies to a local board of education, then the application process must be conducted in accordance with §§ 49-13-107 and 49-13-108. If the sponsor applies directly to the commission, then the application process must be conducted in accordance with § 49-13-107 and with the following:

(i) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny the public charter

school application no later than ninety (90) days after the commission receives the completed application;

(ii) The grounds upon which the commission based a decision to deny the public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(iii) The commission's decision is final and is not subject to appeal; and

(iv) If the commission approves the application, then the commission is the authorizer and LEA for the public charter school.

(B)

(i) The governing body of a public charter school may petition the authorizer to amend the charter agreement to allow the public charter school to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) in accordance with the timelines for approval and the appeal process determined by the commission pursuant to § 49-13-110(d) and the commission's rules.

(ii) If the authorizer, or the commission on appeal, approves the governing body's petition to amend a public charter school's charter agreement for purposes of subdivision (k)(1)(B)(i), then, notwithstanding § 49-13-113(d)(2), the public charter school



is not required to give an enrollment preference to a student who attended the public charter school during the previous school year, unless the student is at-risk.

(2) A public charter school authorized pursuant to this subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) may provide a residential or nonresidential program.

(3) A public charter school authorized pursuant to this subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) may be a separate-sex school that only enrolls students of a respective sex, as defined in § 49-2-802.

(4)

(A) A public charter school authorized pursuant to this subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) may enroll at-risk students in grades six through twelve (6-12) residing in this state, regardless of whether the LEA in which the public charter school is located has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment.

(B) If the number of applications to enroll in a public charter school authorized pursuant to this subsection (k) to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) exceeds the capacity of a program, class, grade level, or building, then the public charter school shall select students through an enrollment lottery pursuant to § 49-13-113; provided, that the students selected through the enrollment lottery must be at-risk.

(C) The state and local funds generated and required through the TISA, as defined in § 49-3-104, for a student who enrolls in a public charter school authorized pursuant to this subsection (k) that serves a

student population composed exclusively of at-risk students in grades six through twelve (6-12) must follow the student into the LEA in which the public charter school is located and to which the student transfers.

(5)

(A) Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (k) that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) must be operated on a year-round basis, which shall not operate to reduce the level of state support to the public charter school. The commissioner of education shall make adjustments necessary to accommodate the public charter school's year-round operation so as not to diminish state financial support. The charter agreement must specify the date by which the school year must commence.

(B) Notwithstanding another law to the contrary, a public charter school authorized pursuant to this subsection (k) that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(6) Funding for a public charter school authorized pursuant to this subsection (k) must comply with § 49-13-112.

(7) As used in this subsection (k), "at-risk" means students who are:

(A) "Economically disadvantaged," as defined in § 49-3-104;

(B) Members of a family with a household income that meets the eligibility requirements for free or reduced-price lunch, as determined pursuant to 42 U.S.C. § 1771;

(C) At risk of educational disadvantage due to circumstances of abuse, neglect, or disability;

(D) At risk of state custody due to family dysfunction;

(E) Chronically absent, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the Every Student Succeeds Act (20 U.S.C. § 6301 et seq.);

(F) Truant after having accumulated five (5) or more unexcused absences, or who have previously dropped out of school; or

(G) Expelled or who have been placed on probation or parole.

(8) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (k). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. Tennessee Code Annotated, Section 49-13-107(b), is amended by adding the following as a new subdivision:

(22) A plan for the construction, development, or purchase of residential or boarding facilities, if the proposed public charter school intends to provide a residential or boarding program for students pursuant to § 49-13-106(k), including a copy of all required permits, certificates, or other documentation evidencing the sponsor's ability to secure, provide, and safely operate the proposed residential or boarding program.

SECTION 7. Tennessee Code Annotated, Section 49-13-109, is amended by designating subsection (a) as subdivision (a)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (a)(1):

(A) The membership of a governing body for a public charter school that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k) is not required to include a parent representative; and

(B) An advisory school council established by a charter management organization for a public charter school that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k) is not required to include a parent member.

SECTION 8. Tennessee Code Annotated, Section 49-13-113, is amended by designating subsection (a) as subdivision (a)(1) and adding the following as a new subdivision:

(2) An LEA shall not require a student to enroll in a public charter school.

SECTION 9. Tennessee Code Annotated, Section 49-13-113, is amended by adding the following as a new subsection:

(f)

(1) Notwithstanding subsection (b) and subdivisions (c)(1), (c)(3), (c)(4), and (d)(6), a public charter school authorized by the commission or a local board of education to serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k):

(A) Is open to all at-risk students in grades six through twelve (6-12) residing within this state;

(B) May enroll at-risk students in grades six through twelve (6-12) residing outside the geographic boundaries of the LEA in which the public charter school is located, regardless of whether the authorizer has an out-of-district enrollment policy or a policy prohibiting out-of-district enrollment;

(C) Shall not charge registration fees, enrollment fees, or tuition to at-risk students who are enrolled in the public charter school; and

(D) Shall not give an enrollment preference to children of a teacher employed by the public charter school or to the children of a member of the public charter school's governing body.

(2) As used in this subsection (f), "at risk" has the same meaning as defined in § 49-13-106(k).

SECTION 10. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) and substituting instead the following:

(a) The governing body of a public charter school seeking renewal shall, no later than April 1 of the year prior to the year in which the charter expires, submit a renewal application on the application form developed by the department of education to:

(1) The local board of education, if the local board of is the authorizer;

(2) The commission, if the commission is the authorizer and the public charter school serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school does not serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k).

SECTION 11. Tennessee Code Annotated, Section 49-13-122(a), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) Except as provided in subdivision (a)(3)(B), an authorizer shall revoke a public charter school agreement if the public charter school receives identification as a priority school for two (2) consecutive cycles.

(B) An authorizer shall revoke a public charter school agreement for a public charter school authorized pursuant to § 49-13-106(k) that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12) if the public charter school receives identification as a priority school for two (2) consecutive cycles beginning in 2028.

(C) A revocation required under this subdivision (a)(3) takes effect immediately following the close of the school year in which the public charter school is identified as a priority school for the second consecutive cycle.

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following as a new section:

(a) Notwithstanding another law to the contrary, the state board of education may, in consultation with the department of education, develop an accountability framework and a performance framework specifically for public charter schools authorized pursuant to § 49-13-106(k) that serve a student population composed exclusively of at-risk students in grades six through twelve (6-12).

(b) An accountability framework or a performance framework developed by the state board pursuant to subsection (a) must be adopted and implemented by each public charter school authorized pursuant to § 49-13-106(k) that serves a student population composed exclusively of at-risk students in grades six through twelve (6-12).

SECTION 13. Tennessee Code Annotated, Section 49-13-108(b), is amended by deleting subdivision (3) and substituting instead the following:

(3)

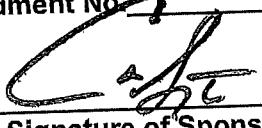
(A) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing and must specify objective reasons for the denial.

(B) Upon the sponsor's receipt of the grounds for denial, the sponsor may submit an amended application to the local board of education to correct any deficiencies. An amended application to correct deficiencies must be submitted to the local board of education no later than thirty (30) days from the date on which the sponsor received the grounds for denial. The local board of education has sixty (60) days from its receipt of an amended application to approve or deny the amended application. If the local board of education fails to

approve or deny the amended application within sixty (60) days, then the amended application shall be deemed approved.

(C) A sponsor is not required to submit an amended application to the local board of education before appealing the local board's decision to deny the sponsor's charter application to the commission. The sponsor may immediately appeal the local board of education's initial decision to deny the sponsor's charter application to the commission in accordance with subdivision (b)(5).

SECTION 14. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect December 1, 2023, the public welfare requiring it.

Amendment No. 3  
  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1194**

**House Bill No. 1214\***

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

SECTION \_\_. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subdivision (12) and substituting instead the following:

(12) "Public charter school" means a public school in this state that is established and operating under the terms of a charter agreement and in accordance with this chapter and includes, unless the context otherwise requires, a hybrid public charter school authorized by the commission pursuant to § 49-13-106(l);

SECTION \_\_. Tennessee Code Annotated, Section 49-13-104, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Hybrid public charter school" means a public charter school authorized by the commission pursuant to § 49-13-106(l) to provide high-quality instruction to students each school week in a traditional classroom setting and through a program of off-site learning, as defined in § 49-13-106(l);

SECTION \_\_. Tennessee Code Annotated, Section 49-13-106, is amended by adding the language ", including a hybrid public charter school," after the language "A public charter school" in subdivision (e)(1).

SECTION \_\_. Tennessee Code Annotated, Section 49-13-106(f), is amended by adding the following as a new subdivision:

(4) Notwithstanding subdivision (f)(1), hybrid public charter schools may be formed to provide quality educational options for students residing within this state.



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SECTION \_\_. Tennessee Code Annotated, Section 49-13-106(i), is amended by adding the following as a new subdivision:

(3) Notwithstanding subdivision (i)(1), if the sponsor seeks to establish a hybrid public charter school, then the sponsor shall apply to the commission. A sponsor applying to establish a hybrid public charter school must comply with § 49-13-107.

SECTION \_\_. Tennessee Code Annotated, Section 49-13-106, is amended by adding the following as a new subsection:

(l)

(1) A sponsor may apply directly to the commission to establish a hybrid public charter school. The application process must be conducted in accordance with § 49-13-107 and with the following:

(A) The commission shall rule by resolution, at a regular or specially called meeting, to approve or deny a hybrid public charter school application no later than ninety (90) days after the commission receives the completed application;

(B) The grounds upon which the commission based a decision to deny a hybrid public charter school application must be stated in writing and must specify objective reasons for the denial. The sponsor has thirty (30) days from the date on which the sponsor received the grounds for denial to submit an amended application to the commission to correct the deficiencies. The commission has sixty (60) days from its receipt of an amended application to approve or deny the amended application;

(C) The commission's decision is final and is not subject to appeal; and

(D) If the commission approves the application, then the commission is the authorizer and LEA for the hybrid public charter school.

(2)

(A)

(i) A hybrid public charter school shall provide in-person classroom instruction to enrolled students for no less than three (3), but no more than four (4), days per school week.

(ii)

(a) A hybrid public charter school shall provide a program of off-site learning for enrolled students, which must be provided by the students' parents off school premises each day of the school week for which students are not receiving in-person classroom instruction.

(b) Instruction provided through a hybrid public charter school's off-site learning program must be provided to students in person. Instruction shall not be provided through an off-site learning program virtually.

(c) A hybrid public charter school must track student attendance each day that instruction is being provided to students through the hybrid public charter school's off-site learning program, and shall implement policies and procedures for the hybrid public charter school to request and receive daily confirmation of student participation in the required instruction.

(iii) As used in this subdivision (1)(2)(A), "off-site learning" or "off-site learning program":

(a) Means a program of instruction that is:

(1) Developed or adopted by the hybrid public charter school for the subjects and grade levels taught by the hybrid public charter school;

(2) Aligned with the academic standards adopted by the state board of education; and

(3) Provided to students enrolled in the hybrid public charter school by the students' parents off school premises; and

(b) Does not mean a home school, as defined in § 49-6-3050, or a virtual school, as defined in § 49-16-203.

(B) Notwithstanding another law to the contrary, a hybrid public charter school may provide more or less than the six and one-half (6 1/2) hours of daily instruction required by law; provided, that the hybrid public charter school provides, at a minimum, the one hundred eighty (180) days of instruction required in § 49-6-3004.

(C) Funding for a hybrid public charter school authorized pursuant to this subsection (I) must comply with § 49-13-112.

(3)

(A) A hybrid public charter school authorized by the commission may enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located, and is not subject to the enrollment cap on out-of-district students provided in § 49-13-113(c)(1).

(B) State school funds must follow a student into the LEA in which the hybrid public charter school is located and to which the student transfers.

(C) Tuition may be charged by the LEA in which the hybrid public charter school is located and to which a student transfers, as provided in § 49-6-3003.

(D) If the number of enrollment applications exceeds the capacity of a program, class, grade level, or building, then the hybrid public charter school shall select students through a lottery pursuant to § 49-13-113.

(4) The commission, in consultation with the state board of education, may promulgate rules to effectuate this subsection (I). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION \_\_. Tennessee Code Annotated, Section 49-13-113, is amended by adding the following as a new subsection:

(g) Notwithstanding subsection (b) and subdivisions (c)(1), (c)(4), and (d)(6), a hybrid public charter school authorized by the commission pursuant to § 49-13-106(I):

(1) Is open to all students residing within this state;

(2) May enroll students residing outside the geographic boundaries of the LEA in which the public charter school is located, and is not subject to the enrollment cap on out-of-district students provided in § 49-13-113(c)(1); and

(3) Shall not give an enrollment preference to children of a teacher employed by the hybrid public charter school or to the children of a member of the hybrid public charter school's governing body.

**AND FURTHER AMEND** by deleting Section 10 and substituting instead the following:

SECTION 10. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) and substituting instead the following:

(a) The governing body of a public charter school seeking renewal shall, no later than April 1 of the year prior to the year in which the charter expires, submit a renewal application on the application form developed by the department of education to:

(1) The local board of education, if the local board is the authorizer;

(2) The commission, if the public charter school is a hybrid public charter school or if the commission is the authorizer and the public charter school serves

a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k); or

(3) The commission or the local board of education, if the commission is the authorizer and the public charter school is not a hybrid public charter school or does not serve a student population composed exclusively of at-risk students in grades six through twelve (6-12) pursuant to § 49-13-106(k).

House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1507**

**House Bill No. 1249**

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

**SECTION 1.**

(a) There is created a federal education funding task force, to be administratively attached to the department of education.

(b) The task force is created to:

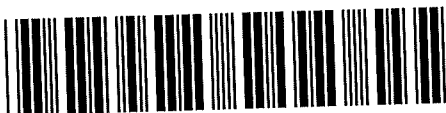
(1) Identify:

(A) The amount of federal funding received by this state and by each political subdivision of this state for educational programs or purposes in the current fiscal year;

(B) Each federal law, regulation, or program from which this state or a political subdivision of this state received federal funding for educational programs or purposes in the current fiscal year, and whether this state has the option to not comply with, or participate in, the respective federal law, regulation, or program;

(C) How this state and each political subdivision of this state is using, or intends to use, the federal funds it receives for educational programs or purposes in the current fiscal year; and

(D) The stipulations, requirements, or conditions, if any, placed on this state or a political subdivision of this state for its receipt of federal funds for educational programs or purposes;



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(2) Advise the administration and general assembly on the feasibility of this state and each political subdivision of this state rejecting federal funding for educational programs or purposes to provide this state with the flexibility and opportunity to establish its own educational goals, requirements, and measures to better serve teachers and students; and

(3) Recommend a strategic action plan to guide the administration and general assembly on how to reject federal funding for educational programs or purposes and how to eliminate restrictions placed on this state due to this state's receipt of federal funding for educational programs or purposes.

(c) The task force is composed of eleven (11) members as follows:

(1) The commissioner of education;

(2) Three (3) members of the senate appointed by the speaker of the senate;

(3) Three (3) members of the house of representatives appointed by the speaker of the house of representatives;

(4) One (1) director of schools appointed by the speaker of the senate;

(5) One (1) director of schools appointed by the speaker of the house of representatives;

(6) One (1) teacher appointed by the speaker of the senate; and

(7) One (1) teacher appointed by the speaker of the house of representatives.

(d)

(1) Members of the task force serve without compensation for their services, but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(2) Vacancies among the members of the task force must be filled in the same manner as in the original selection of members.

(3) In making appointments, the speaker of the senate and the speaker of the house of representatives shall strive to ensure that members of the task force are inclusive and reflect the geographic, urban, rural, and economic diversity of this state and are diverse in race, sex, and experience.

(4)

(A) The commissioner shall serve as chair, and shall call the first meeting of the task force no later than August 1, 2023, at which time the members shall elect a first vice chair and second vice chair.

(B) No later than August 31, 2023, the commissioner shall contact the United States department of education to discuss this state's interest in potentially rejecting federal funding for educational programs and purposes to assist the task force in its feasibility study and to initiate any processes or procedures that may be required by the federal government in order for this state to reject or refuse receipt of future federal funding.

(5) The task force shall meet at least monthly. The chair may call special meetings whenever necessary for the transaction of business. The chair shall notify each member of the task force of any special meeting at least five (5) days before the time fixed for the special meeting. A majority of the members of the task force may petition the chair to call a special meeting, in which case the chair shall call a special meeting.

(6) The task force may conduct meetings by conference call or video conference in accordance with the requirements of § 8-44-108.

(e) The task force shall agree upon any findings and recommendations by a majority vote of the total membership of the task force. A majority of the members of the task force constitutes a quorum for the purpose of meeting and conducting business.



(f)

(1) The chair of the task force may call on appropriate state agencies for reasonable assistance in the work of the task force.

(2) The task force shall consult with representatives from the department of education, the Tennessee education association, the Tennessee school boards association, and the Tennessee organization of school superintendents for purposes of this act.

(g) The task force shall develop a strategic action plan to guide the administration and general assembly on whether it is feasible for this state and the political subdivisions of this state to reject federal funding for educational programs or purposes, the process required for this state to reject such funding in the future, and how to eliminate restrictions placed on this state due to this state's receipt of federal funding for educational programs or purposes. The task force's strategic plan must be provided to the governor and general assembly no later than December 1, 2023.

(h) This act is repealed on December 1, 2023, unless reenacted or extended by the general assembly prior to that date.

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

House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 274\***

**House Bill No. 322**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

- ( ) A representative of the Tennessee Sheriffs' Association;
- ( ) A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

**49-6-804. Safety plans and security systems.**

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. An LEA or public charter school having only



one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(c) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

- (1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;
- (2) The building-level school safety plan for each school in the LEA or each public charter school; and
- (3) The floor plans for all school buildings within the LEA or used by the public charter school.

(d) Each LEA and public charter school shall also provide the school safety plans described in subsection (c) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(e) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(f)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (f), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(g) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

**49-6-807. Annual drills.**

(a) Each school safety team shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years; and

(2) Made available to a local law enforcement agency with jurisdiction, the department of education, or the department of safety upon request.

(d) The drills required in subsection (a) are in addition to the drills required in § 68-102-137.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-817. School building entrances required to be locked.**

(a) Each LEA and public charter school shall ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, an LEA or public charter school may allow a school to unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, a school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

- (1) The LEA's director of schools or the leader of the public charter school, as applicable;
- (2) The chair of the local board of education or public charter school governing body, as applicable;
- (3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;
- (4) The school principal;
- (5) The department of safety; and
- (6) The department of education.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying law enforcement agency that the door was immediately locked as required by subsection

(a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(6). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school employs a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If a school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to post a school resource officer or armed school security officer within thirty (30) days as required in this subdivision (e)(1), then the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the

amount of two percent (2%) of the annual state funds generated by the school in the TISA, as defined in § 49-3-104. If the LEA or public charter school fails to post a school resource officer or armed school security officer within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not posted an officer.

(B) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA; or



(C) If the LEA or public charter school currently posts a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school posts the required school resource officer or armed school security officer; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section, "armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-818. School buildings constructed or remodeled after July 1, 2023.**

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; and

(2) At least one (1) secure vestibule that serves as the primary entrance to the school building and that contains two (2) separate sets of doors that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school or act as an unarmed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school or act as an armed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, regardless of whether the armed security guard or officer is employed by a public school or a contract security company.

SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 26. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Willie L. Miller*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 274\*

House Bill No. 322

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

SECTION 1. Tennessee Code Annotated, Section 49-6-802(a), is amended by deleting the word "education" and substituting instead the word "safety".

SECTION 2. Tennessee Code Annotated, Section 49-6-802(b)(1), is amended by deleting the word "safety" and substituting instead the word "education".

SECTION 3. Tennessee Code Annotated, Section 49-6-802(b), is amended by adding the following subdivisions:

- ( ) A representative of the Tennessee Sheriffs' Association;
- ( ) A representative of the Tennessee Association of Chiefs of Police;

SECTION 4. Tennessee Code Annotated, Section 49-6-803, is amended by deleting the language "the director of the Tennessee school safety center established in § 49-6-4302" and substituting instead the language "the commissioner of safety".

SECTION 5. Tennessee Code Annotated, Section 49-6-804, is amended by deleting the section and substituting:

**49-6-804. Safety plans and security systems.**

(a) Each LEA, and to the extent applicable, each public charter school, shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response, and emergency management. The plans must be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and must follow the template developed by the state-level safety team. An LEA or public charter school having only



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one (1) school building shall develop a single building-level school safety plan, which must also fulfill all requirements for the development of a district-wide plan. Each LEA and public charter school shall review each of the plans it adopts pursuant to this subsection (a) annually.

(b) A meeting concerning school security, the district-wide school safety plans, or the building-level school safety plans shall not be subject to the open meetings laws compiled in title 8, chapter 44. Though closed to the general public, reasonable notice must be provided to the general public prior to such a meeting. The local board of education or public charter school governing body shall not discuss or deliberate on any issues or subjects other than school security or the school safety plans adopted pursuant to this section during such a meeting.

(c) By July 1, 2023, and by each July 1 thereafter, each LEA and public charter school shall provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

(1) The LEA's, and to the extent applicable, the public charter school's, district-wide school safety plan;

(2) The building-level school safety plan for each school in the LEA or each public charter school; and

(3) The floor plans for all school buildings within the LEA or used by the public charter school.

(d) Each LEA and public charter school shall also provide the school safety plans described in subsection (c) to a law enforcement agency or other emergency response organization participating in an armed intruder drill under § 49-6-807.

(e) Upon the request of a local law enforcement agency with jurisdiction, the department of education, or the department of safety, the LEA or public charter school shall provide any other plans, information, or records regarding school security.

(f)

(1) During a drill or in an emergency situation, each LEA or public charter school shall, to the greatest extent practicable, provide a responding law enforcement agency with access to security systems that may be required for the law enforcement agency's response.

(2) For purposes of this subsection (f), "security systems" includes, but is not limited to, audio recording systems, visual recording systems, and any other cameras, alarm systems, fire systems, communication systems, or other security measures in a school building.

(g) This section does not diminish the jurisdiction of local law enforcement agencies.

SECTION 6. Tennessee Code Annotated, Section 49-6-805, is amended by adding the following as a new subdivision:

(10) Policies and procedures to ensure that all individuals providing direct services to students or school staff in response to a school crisis have received the appropriate background checks in compliance with state law, including § 49-5-413.

SECTION 7. Tennessee Code Annotated, Section 49-6-807, is amended by deleting the section and substituting instead the following:

**49-6-807. Annual drills.**

(a) Each school safety team shall annually conduct at least one (1):

- (1) Armed intruder drill;
- (2) Incident command drill; and
- (3) Emergency safety bus drill.

(b)

(1) Each armed intruder drill must be conducted in coordination with the appropriate local law enforcement agency.

(2) Each incident command drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation in the school.

(3) Each emergency safety bus drill must:

(A) Be conducted without students present; and

(B) Prepare school staff and law enforcement agencies on what to expect in the event of an emergency situation on a school bus.

(c) The results of a drill conducted pursuant to subsection (a) must be:

(1) Maintained by the school for a minimum of five (5) years; and

(2) Made available to a local law enforcement agency with jurisdiction, the department of education, or the department of safety upon request.

(d) The drills required in subsection (a) are in addition to the drills required in §

68-102-137.

SECTION 8. Tennessee Code Annotated, Section 49-6-808(b), is amended by adding the language "and each building-level school safety plan" after the language "its district-wide comprehensive safety plan".

SECTION 9. Tennessee Code Annotated, Section 49-6-808(c), is amended by adding the language "and school building floor plans provided pursuant to this section and § 49-6-804" after the language "Building-level emergency response plans".

SECTION 10. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-817. School building entrances required to be locked.**

(a) Each LEA and public charter school shall ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

(b) Notwithstanding subsection (a), outside of regular school hours, an LEA or public charter school may allow a school to unlock the door to the school building's primary entrance during a school-related event or activity if the door is continuously monitored by a school or LEA employee who is physically present at the door to ensure access is limited to only authorized persons and to alert others if an unauthorized person enters, or attempts to enter, the school building.

(c) State and local law enforcement personnel are authorized to inspect a door serving as an entrance to, or exit from, a school building to determine whether the door is locked as required by subsection (a). There is no limit on the number of inspections law enforcement personnel may conduct under this subsection (c). Except as provided in subsection (b), if law enforcement personnel find that the door to an entrance or exit from a school building is unlocked in violation of subsection (a), then the school must immediately lock the door and the law enforcement agency that found the unlocked door shall, within twenty-four (24) hours, send written notification to:

(1) The LEA's director of schools or the leader of the public charter school, as applicable;

(2) The chair of the local board of education or public charter school governing body, as applicable;

(3) The head of the parent-teacher organization for the LEA or public charter school, if there is such an organization for the public charter school;

(4) The school principal;

(5) The department of safety;

(6) The department of education; and

(7) Each local law enforcement agency with jurisdiction.

(d) The LEA's director of schools, the leader of the public charter school, or their respective designees, shall, within forty-eight (48) hours of receiving notification from the law enforcement agency under subsection (c), send written confirmation to the notifying

law enforcement agency that the door was immediately locked as required by subsection (a) and that processes are in place to ensure that the door remains locked as required by subsection (a), except as authorized in subsection (b). The director, leader, or their respective designee shall send a copy of the director's, leader's, or their respective designee's written confirmation to the recipients identified in subdivisions (c)(2)-(7). The director's, leader's, or their respective designee's written confirmation must state whether the LEA or public charter school has a full-time school resource officer whose primary location is the school found to be in violation of subsection (a).

(e)

(1) If a school is found to have violated subsection (a) on two (2) or more occasions in one (1) school year, then:

(A)

(i) If the LEA or public charter school does not currently have a school resource officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions in one (1) school year, the LEA or public charter school shall cause a full-time school resource officer or armed school security officer to be posted at the school. The LEA or public charter school shall bear the cost of posting the school resource officer or armed school security officer. The school resource officer or armed school security officer must be posted at the school within thirty (30) days from the date on which the LEA or public charter school received notification under subsection (d) of the school's second violation of subsection (a). The LEA or public charter school shall notify the commissioner of education that the required school resource officer or armed school security officer is posted. If the LEA or public charter school fails to have a school

resource officer or armed school security officer posted within thirty (30) days as required in this subdivision (e)(1)(A), then the LEA or public charter school must submit a letter to the commissioner of education every thirty (30) days that an officer is not posted explaining why the LEA or public charter school, as applicable, has not had an officer posted; and

(ii) If the department of education receives notice of a subsequent violation of subsection (a) by the school in one (1) school year, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(a) For a third violation of subsection (a) committed by a school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(b) For a fourth violation of subsection (a) committed by a school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(c) For a fifth violation of subsection (a) committed by a school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(d) For a sixth violation of subsection (a) committed by a school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(e) For a seventh violation of subsection (a) committed by a school in one (1) school year, ten percent

(10%) of the annual state funds generated by the school in the TISA; or

(B) If the LEA or public charter school currently has a full-time school resource officer or armed school security officer whose primary location is the school found to have violated subsection (a) on two (2) or more occasions, the commissioner shall withhold state funds from the LEA or public charter school, in either the current or upcoming school year, in the following amounts:

(i) For the second violation of subsection (a) committed by the school in one (1) school year, two percent (2%) of the annual state funds generated by the school in the TISA;

(ii) For a third violation of subsection (a) committed by the school in one (1) school year, four percent (4%) of the annual state funds generated by the school in the TISA;

(iii) For a fourth violation of subsection (a) committed by the school in one (1) school year, six percent (6%) of the annual state funds generated by the school in the TISA;

(iv) For a fifth violation of subsection (a) committed by the school in one (1) school year, eight percent (8%) of the annual state funds generated by the school in the TISA; and

(v) For a sixth violation of subsection (a) committed by the school in one (1) school year, ten percent (10%) of the annual state funds generated by the school in the TISA.

(2) If funds are withheld pursuant to subdivision (e)(1)(A) or (B), then the funds must be withheld until:

(A) The LEA or public charter school has the required school resource officer or armed school security officer posted at the school; and

(B) The LEA or public charter school submits to the department of education, and receives the department's approval of, a corrective action plan. The corrective action plan must include:

(i) A statement or other evidence demonstrating that the violation of subsection (a) has been remedied;

(ii) Actions to be taken by the LEA or public charter school to resolve the behavior or issue that contributed to, or caused, the violation, including any new written procedures or training;

(iii) Deadlines for the LEA or public charter school to successfully complete the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii); and

(iv) Dates for the LEA or public charter school to submit reports and documentation to the department to verify the LEA's or public charter school's implementation of the actions identified in the corrective action plan pursuant to subdivision (e)(2)(B)(ii).

(3) The percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be calculated by the department of education based on the amount of state funds generated by the school in the TISA for the previous school year. If a public charter school did not generate state funds in the previous school year, then the percentage of any funds withheld pursuant to subdivision (e)(1)(A) or (B) must be based on the average amount of state funds generated by the schools in the LEA in which the public charter school is located.

(f) As used in this section, "armed school security officer" means an off-duty law enforcement officer providing school security services pursuant to § 49-6-809.

SECTION 11. Tennessee Code Annotated, Section 49-6-810, is amended by deleting the language "shall report" and substituting instead the language "and the commissioner of safety shall jointly report".



SECTION 12. Tennessee Code Annotated, Title 49, Chapter 6, Part 8, is amended by adding the following as a new section:

**49-6-818. School buildings constructed or remodeled after July 1, 2023.**

(a) A public school building, including a public charter school building, constructed or remodeled after July 1, 2023, must:

(1) Include a door-locking mechanism on each classroom door that allows the classroom door to be locked from the inside; and

(2) At least one (1) secure vestibule that serves as the primary entrance to the school building and that contains two (2) separate sets of doors that are each capable of being locked separately to prevent a person from entering the school building until an LEA or school employee authorizes a person to enter.

(b) The date on which a public school building, including a public charter school building, is constructed for purposes of this section is the date on which the plans for the school building were approved by the agency having jurisdiction to approve construction of the school building or the date on which the construction permit was issued for the school building, whichever occurs first.

(c) If a public school building, including a public charter school building, is remodeled, then the requirements specified in subsection (a) only apply to the portions of the building that are remodeled.

(d) As used in this section, "remodeled":

(1) Means a change to an existing building or facility, including, but not limited to, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions; and

(2) Does not include routine maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems so long as the changes do not affect the usability of the building or facility.

SECTION 13. Tennessee Code Annotated, Section 49-6-2701(a), is amended by deleting the language "may adopt" and substituting instead the language "shall adopt".

SECTION 14. Tennessee Code Annotated, Section 49-6-2701(c), is amended by adding the following as a new subdivision:

(10) Coordinate with state agencies providing support services and technical assistance to local threat assessment teams.

SECTION 15. Tennessee Code Annotated, Section 49-6-2701(e), is amended by deleting the language "the local board of education and the director of schools" and substituting instead the language "the local board of education, the director of schools, the department of safety, the Tennessee school safety center, and the members of the state-level safety team established pursuant to § 49-6-802(a)".

SECTION 16. Tennessee Code Annotated, Section 49-6-4302(a), is amended by adding the language ", in collaboration with the department of safety," after the language "The department of education".

SECTION 17. Tennessee Code Annotated, Section 49-6-4302, is amended by deleting subsection (f) and substituting:

(f) The department of safety, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. Each LEA and public charter school shall submit to the department of safety an annual school security self-assessment for each school that uses the school security assessment pursuant to this subsection (f). The department of safety may conduct periodic reviews of public schools, as it deems necessary, to verify the effective implementation and use of school security assessments to enhance school security.

SECTION 18. Tennessee Code Annotated, Section 10-7-504(p), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) All school security reports, memoranda, plans, notes, threats, and procedures, including drafts that are incorporated in reports created or received by the department of safety, must be treated as confidential and shall not be open for inspection by members of the public.

(B) This subdivision (p)(2) shall not be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 19. Tennessee Code Annotated, Section 62-35-102, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Public school" means an elementary or secondary school operated by a local education agency, as defined in § 49-1-103, or by the state with public funds;

SECTION 20. Tennessee Code Annotated, Section 62-35-103(a), is amended by deleting subdivision (1) and substituting instead the following:

(1) A government officer or employee performing official duties; provided, that this exemption shall not apply to a security guard or security officer who is providing security or patrol services at or in a public school;

SECTION 21. Tennessee Code Annotated, Section 62-35-118(a), is amended by deleting subdivision (1) and substituting instead the following:

(1)

(A) Within fifteen (15) days of employment:

(i) An unarmed security guard or security officer applicant must complete general training and pass an examination; and

(ii) An armed security guard or security officer applicant must complete general training, pass an examination, and complete the training in subsection (b) within sixty (60) days of employment.

(B) Notwithstanding subdivision (a)(1)(A):

(i) An individual shall not be posted as an unarmed security guard at or in a public school or act as an unarmed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) before being posted; and

(ii) An individual shall not be posted as an armed security guard at or in a public school or act as an armed security guard at or in a public school, unless the individual has completed the requirements of subdivision (a)(2)(A) and subsections (b) and (e) before being posted.

SECTION 22. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following as a new subsection:

(e) Before providing security or patrol services at or in a public school, an armed security guard or security officer applicant must complete an active-shooter training. The training required under this subsection (e) must be no less than eight (8) hours in duration and must be completed by each armed security guard or officer providing security or patrol services at or in a public school, regardless of whether the armed security guard or officer is employed by a public school or a contract security company.

SECTION 23. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following as a new subsection:

(g) An armed security guard or officer providing security or patrol services at or in a public school must complete an active shooter refresher training approved by the commissioner before the individual's registration card may be renewed.

SECTION 24. Tennessee Code Annotated, Section 62-35-134, is amended by adding the following as a new subsection:

(d) It is unlawful for any person, contract security company, or proprietary security organization to post a security guard or officer at or in a public school if the security guard or officer is not properly registered, working on a pending application, or otherwise appropriately trained as required in § 62-35-118.

SECTION 25. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 26. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2023, the public welfare requiring it.

House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 281\***

**House Bill No. 329**

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

SECTION 1. Tennessee Code Annotated, Section 49-3-306(a), is amended by adding the following as a new subdivision:

(3) The state salary schedule for teachers formulated by the commissioner pursuant to subdivision (a)(1) must establish a base salary that is no less than:

(A) Forty-two thousand dollars (\$42,000) for the 2023-2024 school year;

(B) Forty-four thousand five hundred dollars (\$44,500) for the 2024-2025

school year;

(C) Forty-seven thousand dollars (\$47,000) for the 2025-2026 school

year; and

(D) Fifty thousand dollars (\$50,000) for the 2026-2027 school year.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Dues" means the fees imposed on individuals as a condition of their participation or membership in a professional employees' organization; and

(2) "Professional employees' organization" has the same meaning as defined in § 49-5-602.

(b) Notwithstanding chapter 5, part 6 of this title, an LEA shall not deduct dues from the payroll of the LEA's employees for a professional employees' organization,



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including, but not limited to, a professional employees' organization that is affiliated with a labor organization exempt under 26 U.S.C. § 501(c)(5).

(c) This section does not prohibit an employee of an LEA from personally and voluntarily remitting dues to a professional employees' organization.

SECTION 3. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Chris J. Hunt*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 281\***

**House Bill No. 329**

by deleting Section 2 and renumbering the subsequent section accordingly.



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Amendment No. \_\_\_\_\_

*William L. Smith*

Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 281\*

House Bill No. 329

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

SECTION 1. Tennessee Code Annotated, Section 49-3-306(a), is amended by adding the following as a new subdivision:

(3) The state salary schedule for teachers formulated by the commissioner pursuant to subdivision (a)(1) must establish a base salary that is no less than:

(A) Forty-two thousand dollars (\$42,000) for the 2023-2024 school year;

(B) Forty-four thousand five hundred dollars (\$44,500) for the 2024-2025

school year;

(C) Forty-seven thousand dollars (\$47,000) for the 2025-2026 school

year; and

(D) Fifty thousand dollars (\$50,000) for the 2026-2027 school year.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Dues" means the fees imposed on individuals as a condition of their participation or membership in a professional employees' organization; and

(2) "Professional employees' organization" has the same meaning as defined in § 49-5-602.

(b) Notwithstanding chapter 5, part 6 of this title, an LEA shall not deduct dues from the wages of the LEA's employees for a professional employees' organization,



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including, but not limited to, a professional employees' organization that is affiliated with a labor organization exempt under 26 U.S.C. § 501(c)(5).

(c) This section does not prohibit an employee of an LEA from personally and voluntarily remitting dues to a professional employees' organization.

SECTION 3. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Chris J. Hunt*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 281\***

**House Bill No. 329**

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Dues" means the fees imposed on individuals as a condition of their participation or membership in a professional employees' organization; and

(2) "Professional employees' organization" has the same meaning as defined in § 49-5-602.

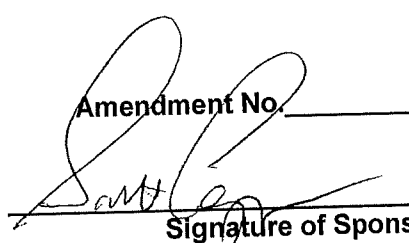
(b) An LEA may deduct dues from the payroll of the LEA's employees for the employees' membership in a professional employees' organization. An LEA is not required to deduct dues for such purpose unless payroll deduction is required under a binding memorandum of understanding pursuant to chapter 5, part 6 of this title.



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Comm. Amdt.  | _____ |

**AMEND Senate Bill No. 281\***

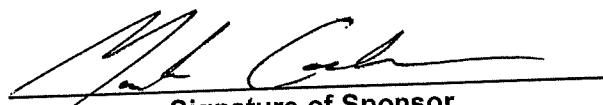
**House Bill No. 329**

by deleting the last sentence in subsection (b) of Section 2 and substituting:

If an LEA deducts dues for such purpose, then the LEA shall deduct dues from the payroll of the LEA's employees for the employees' membership in each professional employees' organization in which the employee subject to the payroll deduction is a member unless payroll deduction is prohibited under a binding memorandum of understanding pursuant to chapter 5, part 6 of this title.



Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 443\***

**House Bill No. 1271**

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

SECTION 1. This act is known and may be cited as the "Access and Opportunity Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) Each LEA and public charter school shall provide transfer students and home school students who enroll or re-enroll in the LEA or public charter school in good academic standing with equal access to all academic and arts programs, clubs, events, and opportunities offered by the LEA or public charter school as provided to non-transfer students enrolled in the LEA or public charter school.

(b) Transfer students and home school students who enroll or re-enroll in an LEA or public charter school in good academic standing are immediately eligible to participate in all academic and arts programs, clubs, events, and opportunities offered by the LEA or public charter school.

(c) An LEA or public charter school is not required to guarantee a transfer student or a home school student who enrolls or re-enrolls in the LEA or public charter school a place or position on any team, club, or organization. LEAs and public charter schools are only required to provide such students the same opportunity to try out or participate that is provided to non-transfer students.

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

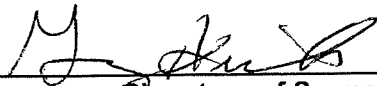


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 706\***

**House Bill No. 1428**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 17, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Commission" means the Tennessee financial literacy commission;

(2) "Financial literacy training" means a course of study approved by the commission;

(3) "Incentive payment" means cash, a gift card, or a combination thereof, paid to a teacher pursuant to this section;

(4) "Senior high school" has the same meaning as defined in § 49-6-401;

and

(5) "Teacher" means any individual employed on a full-time or part-time basis in a public senior high school, including a public charter senior high school, as a licensed or certified classroom teacher, except for substitute teachers.

(b) In accordance with § 49-6-1704, the commission may establish an incentive program for senior high school teachers to promote financial literacy to senior high school students.

(c) If the commission establishes the incentive program authorized in subsection (b), then, subject to available funding:

(1) The commission shall:



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(A) Develop an application form for eligible senior high school teachers to request an incentive payment; and

(B) Establish the annual qualifying period in which incentive payment applications may be submitted, which must coincide with the academic school year, beginning no earlier than August 1st and ending no later than June 30th;

(2) To be eligible to receive an incentive payment, a senior high school teacher must complete the following requirements before the teacher submits an application for an incentive payment:

(A) Teach a personal finance course, or an equivalent course, for at least one (1) academic semester during the annual qualifying period; and

(B) Successfully complete fourteen (14) hours of financial literacy training approved by the commission during the three-year period immediately preceding the end of the annual qualifying period;

(3) Upon completion of the requirements in subdivision (c)(2), a senior high school teacher must submit the following to the commission:

(A) An application in accordance with the requirements developed by the commission pursuant to subdivision (c)(1)(A);

(B) An annual certification from the teacher's school principal certifying the teacher's compliance with the requirements in subdivisions (c)(2)(A) and (B); and

(C) Any other documentation required by the commission;

(4) Subject to appropriation, the full annual incentive payment that may be awarded to an eligible teacher is one thousand dollars (\$1,000); provided, however, that if the amount appropriated in the general appropriations act is not

sufficient to pay the full annual incentive payment to all eligible teachers, then the commission may, in its discretion:

(A) Utilize funds raised by the commission to supplement the appropriated funds to provide the full annual incentive payment to all eligible teachers;

(B) Make a partial incentive payment in an amount determined by dividing the amount of available funds for annual incentive payments by the number of teachers who applied for, and are eligible to receive, an incentive payment, or in an amount determined by the commission; or

(C) Determine not to award incentive payments for that year;

(5) In addition to the full annual incentive payment specified in subdivision (c)(4), the commission may award an additional incentive to eligible teachers paid from funds raised by the commission;

(6) Incentive payments awarded to eligible teachers:

(A) Are incentives for the promotion of financial literacy;

(B) Do not constitute earnable compensation, as defined in § 8-34-101, and must not be considered in determining a teacher's average final compensation for retirement purposes pursuant to title 8, chapters 34 - 37;

(C) Are separate from the Tennessee investment in student achievement formula (TISA) funding; and

(D) Are not considered salary payments or supplements for purposes of § 49-3-306; and

(7) Unexpended funds from public or private sources for incentive payments must not revert to the general fund at the end of a fiscal year, but must be carried forward into the subsequent fiscal year to be used for purposes of the



commission in accordance with § 49-6-1704, which includes the incentive program authorized in subsection (b).

SECTION 2. This act is not an appropriation of funds, and appropriated funds must not be obligated or expended pursuant to this act, unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

House Higher Education Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1303**

**House Bill No. 1199\***

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

SECTION 1. Tennessee Code Annotated, Section 49-4-1005(5), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B)

(i) Notwithstanding § 49-4-1003:

(a) As used in this subdivision (5)(B), "educational institution" means a private college accredited by the Accrediting Commission of Career School and Colleges (ACCSC) that maintains a campus in this state and that had its primary campus domiciled in this state prior to August 1, 2022, but that is no longer domiciled in this state; and

(b) For purposes of this subdivision (5)(B), all references to terms defined in § 49-4-1003 that refer to an "educational institution" refer only to an "educational institution" as defined in subdivision (5)(B)(i)(a);

(ii) Notwithstanding subdivision (5)(A), the adjutant general shall directly reimburse a member for the tuition charged to the member by an educational institution if the member enlisted prior to December 31, 2020;

(iii) Tuition reimbursement under this subdivision (5)(B) must not exceed twenty-four (24) semester hours earned toward a certificate or diploma from a vocational or technical program offered by the educational institution. A member is eligible for tuition reimbursement under this subdivision (5)(B) for each of the semester hours the member was enrolled in a vocational or technical program



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offered by the educational institution, including the semester hours earned by the student in the vocational or technical program before the member's receipt of tuition reimbursement under this subdivision (5)(B). It is not required that tuition reimbursement under this subdivision (5)(B) apply toward a member's first certificate or diploma from a vocational or technical program; and

(iv) This subdivision (5)(B) is repealed on July 1, 2024;

SECTION 2. Tennessee Code Annotated, Section 49-4-1005(11), is amended by designating the subdivision as subdivision (11)(A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (11)(A):

(i) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement within ninety (90) days of course completion if the course is completed on or after July 1, 2023; and

(ii) Members eligible for direct tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement no later than June 30, 2024, for courses completed by the member prior to July 1, 2023.

SECTION 3. This act takes 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. 1303

House Bill No. 1199\*

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

SECTION 1. Tennessee Code Annotated, Section 49-4-1005(5), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B)

(i) Notwithstanding § 49-4-1003:

(a) As used in this subdivision (5)(B), "educational institution"

means a private college of technology that:

(1) Maintains a campus in Nashville, Tennessee that has operated as an automotive school for more than eighty (80) years;

(2) Offers an associate of applied science degree in five (5) automotive specialties, as well as diploma programs;

(3) Is accredited by the Accrediting Commission of Career Schools and Colleges of Technology; and

(4) Has its primary campus domiciled in another state.

(b) For purposes of this subdivision (5)(B), all references to terms defined in § 49-4-1003 that refer to an "educational institution" refer only to an "educational institution" as defined in subdivision (5)(B)(i)(a);

(ii) Notwithstanding subdivision (5)(A), the adjutant general shall reimburse the tuition charged by an educational institution to a member pursuant to this subdivision (5)(B) if the member completed the member's initial active-duty training in April of 2022, began enrolling in classes at the educational institution



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in August of 2022, and timely submits an application for tuition reimbursement;

(iii) Tuition reimbursement under this subdivision (5)(B) must be paid to the educational institution in accordance with subdivision (5)(A);

(iv) Notwithstanding § 49-4-1005(8), a member applying for and receiving tuition reimbursement under this subdivision (5)(B) is not required to apply for and use federal tuition assistance at the educational institution;

(v) Notwithstanding subdivision (5)(B)(iv), a member applying for and receiving tuition reimbursement under this subdivision (5)(B) is required to comply with the limitations and conditions on eligibility for tuition reimbursement under the program as set forth in § 49-4-1005(1), (2), (7), and (10); and

(vi) This subdivision (5)(B) is repealed on July 1, 2024;

SECTION 2. Tennessee Code Annotated, Section 49-4-1005(11), is amended by designating the subdivision as subdivision (A) and adding the following as a new subdivision:

(B) Notwithstanding subdivision (11)(A):

(i) Members eligible for tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement within ninety (90) days of course completion if the course is completed on or after July 1, 2023; and

(ii) Members eligible for tuition reimbursement under subdivision (5)(B) must submit an application for tuition reimbursement no later than August 1, 2023, for courses completed by the member between August 1, 2022, and June 30, 2023.

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

House Higher Education Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 817\***

**House Bill No. 1376**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Higher Education Freedom of Expression and Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 19, is amended by designating Section 49-7-1907 as Section 49-7-1908 and adding the following as a new Section 49-7-1907:

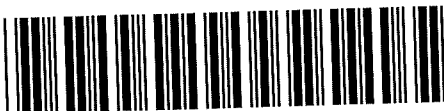
(a) The general assembly finds that:

(1) Freedom of expression and inquiry at public institutions of higher education are indispensable to the pursuit of educational excellence and the furtherance of the ordered individual liberty established in our nation's founding documents;

(2) Public institutions of higher education have a duty to promote and defend freedom of expression and inquiry, and educate students on the individual liberties established in our nation's founding documents;

(3) Public institutions of higher education should seek and foster intellectual diversity among administrators, faculty, students, and employees;

(4) Positively or negatively incentivizing, informally pressuring, indoctrinating, or otherwise compelling students or employees of a public institution of higher education to embrace divisive concepts is contrary to the mutual respect and collegial processes essential to the free exchange of ideas;



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(5) Measures taken to ensure non-discrimination cannot be allowed to undermine the principles of merit and excellence in the core activities of public institutions of higher education;

(6) Institutional transparency and the implementation of § 49-7-1903 will help limit the potential risk of diminished excellence from our great institutions; and

(7) Public medical institutions of higher education best serve the state when providing meritorious education and training that positions future healthcare professionals to serve all patients adequately and to the best of their ability.

(b) A student or employee of a public institution of higher education who believes that a violation of § 49-7-1903 has occurred may file a report of the alleged violation with the institution. The institution shall investigate the report and take appropriate steps to correct any violation that is found to have occurred. Institutions shall report violations and any corrective action annually to the comptroller of the treasury through the comptroller's office of research and education accountability. A report submitted to the comptroller must be redacted, if necessary, to ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C § 1232g); § 10-7-504; and all other relevant privacy laws.

(c)

(1) Subject to appropriate constitutional time, place, and manner restrictions in accordance with applicable law, for purposes of approving or scheduling usage of the institution's property, an institution shall not show bias or favoritism for or against:

(A) A student group that is peaceful and requests to use the institution's property in a peaceful and lawful manner;

(B) A guest speaker's, or a guest speaker's student-sponsoring group's, viewpoint, race, creed, color, religion, non-violent political ideology, or non-violent political party affiliation; or

(C) A student group that, or a guest speaker who, intends to maintain a peaceful campus presence and peaceful use of the institution's property on grounds that the institution has received threatened simple breaches of the peace or non-destructive disruptions from groups or individuals who oppose the student group's or guest speaker's presence on campus.

(2) A public institution of higher education shall not:

(A) Require a student group to pay fees or security deposits that are not charged to all other student groups; or

(B) Deny a student group access to the institution's property if the property is routinely used by other student groups.

(3) Notwithstanding subdivision (c)(1), a public institution of higher education may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration would violate § 39-17-902 or § 49-7-1904.

SECTION 3. Tennessee Code Annotated, Section 49-7-1903, is amended by designating subdivision (3) as (4) and adding the following as subdivision (3):

(3) A public institution of higher education shall not require an applicant for employment or admission to submit a personal diversity statement or to affirm the applicant's agreement with an institutional diversity statement as part of the application or admissions process.

SECTION 4. Tennessee Code Annotated, Section 49-7-1904(a), is amended by adding the following as a new subdivision:



(4) Approve or use state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization if participation in such organization requires an individual, or an individual's employer, to endorse or promote a divisive concept.

SECTION 5. Tennessee Code Annotated, Section 49-7-1904, is amended by deleting subsection (b) and substituting:

(b)

(1) If a public institution of higher education employs an individual whose primary job title includes diversity, equity, or inclusion, then:

(A) The institution must ensure that the employee's efforts strengthen and increase intellectual diversity and promote a climate that facilitates the free and respectful exchange of ideas; and

(B) The institution must ensure that the employee's duties include efforts devoted to supporting student academic achievement and workforce readiness, such as mentoring, career readiness and support, workforce development, or other related learning support activities necessary for the academic and professional success of all students.

(2) Employees whose job title includes diversity, equity, or inclusion but whose primary duties require compliance with state or federal law that conflicts with subdivision (b)(1) are exempt from this subsection (b).

(c) Each public institution of higher education shall review the requirements of subsection (b) to ensure the institution's compliance and to evaluate the institution's progress toward academic and institutional outcomes. The outcomes must be submitted directly to the institution's chief executive. If the institution is part of a university system, then the outcomes must be subsequently reviewed by the system's chief executive.

SECTION 6. Tennessee Code Annotated, Section 49-7-1904, is amended by adding the following as a new subsection:

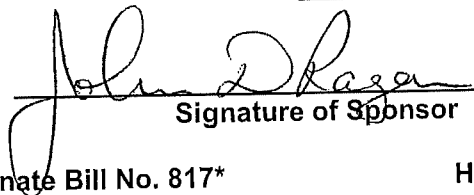
(d)

(1) A public institution of higher education shall notify students and employees of the institution on the restrictions in § 49-7-1903 and the definition of divisive concepts in § 49-7-1904 by including such information on the institution's website and on introductory materials provided by the institution to new students and employees.

(2) Institutions shall provide employee training to ensure compliance with this part.

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 817\***

**House Bill No. 1376**

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Higher Education Freedom of Expression and Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 19, is amended by designating Section 49-7-1907 as Section 49-7-1908 and adding the following as a new Section 49-7-1907:

(a) The general assembly finds that:

(1) Freedom of expression and inquiry at public institutions of higher education are indispensable to the pursuit of educational excellence and the furtherance of the ordered individual liberty established in our nation's founding documents;

(2) Public institutions of higher education have a duty to promote and defend freedom of expression and inquiry, and educate students on the individual liberties established in our nation's founding documents;

(3) Public institutions of higher education should seek and foster intellectual diversity among administrators, faculty, students, and employees;

(4) Positively or negatively incentivizing, informally pressuring, indoctrinating, or otherwise compelling students or employees of a public institution of higher education to embrace divisive concepts is contrary to the mutual respect and collegial processes essential to the free exchange of ideas;



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(5) Measures taken to ensure non-discrimination cannot be allowed to undermine the principles of merit and excellence in the core activities of public institutions of higher education;

(6) Institutional transparency and the implementation of § 49-7-1903 will help limit the potential risk of diminished excellence from our great institutions; and

(7) Public medical institutions of higher education best serve the state when providing meritorious education and training that positions future healthcare professionals to serve all patients adequately and to the best of their ability.

(b) A student or employee of a public institution of higher education who believes that a violation of § 49-7-1903 has occurred may file a report of the alleged violation with the institution. The institution shall investigate the report and take appropriate steps to correct any violation that is found to have occurred. Institutions shall report violations and any corrective action annually to the comptroller of the treasury through the comptroller's office of research and education accountability. A report submitted to the comptroller must be redacted, if necessary, to ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C § 1232g); § 10-7-504; and all other relevant privacy laws.

(c)

(1) Subject to appropriate constitutional time, place, and manner restrictions in accordance with applicable law, for purposes of approving or scheduling usage of the institution's property, an institution shall not show bias or favoritism for or against:

(A) A student group that is peaceful and requests to use the institution's property in a peaceful and lawful manner;

(B) A guest speaker's, or a guest speaker's student-sponsoring group's, viewpoint, race, creed, color, religion, non-violent political ideology, or non-violent political party affiliation; or

(C) A student group that, or a guest speaker who, intends to maintain a peaceful campus presence and peaceful use of the institution's property on grounds that the institution has received threatened simple breaches of the peace or non-destructive disruptions from groups or individuals who oppose the student group's or guest speaker's presence on campus.

(2) A public institution of higher education shall not:

(A) Require a student group to pay fees or security deposits that are not charged to all other student groups; or

(B) Deny a student group access to the institution's property if the property is routinely used by other student groups.

(3) Notwithstanding subdivision (c)(1), a public institution of higher education may restrict or deny use of the institution's property for public displays, organized public gatherings, or public demonstrations if the display, gathering, or demonstration would violate § 39-17-902 or § 49-7-2405.

SECTION 3. Tennessee Code Annotated, Section 49-7-1903, is amended by designating subdivision (3) as (4) and adding the following as subdivision (3):

(3) A public institution of higher education shall not require an applicant for employment or admission to submit a personal diversity statement or to affirm the applicant's agreement with an institutional diversity statement as part of the application or admissions process.

SECTION 4. Tennessee Code Annotated, Section 49-7-1904(a), is amended by adding the following as a new subdivision:

(4) Approve or use state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization if participation in such organization requires an individual, or an individual's employer, to endorse or promote a divisive concept.

SECTION 5. Tennessee Code Annotated, Section 49-7-1904, is amended by deleting subsection (b) and adding the following as new subsections:

(b)

(1) If a public institution of higher education employs an individual whose primary job title includes diversity, equity, or inclusion, then:

(A) The institution must ensure that the employee's efforts strengthen and increase intellectual diversity and promote a climate that facilitates the free and respectful exchange of ideas; and

(B) The institution must ensure that the employee's duties include efforts devoted to supporting student academic achievement and workforce readiness, such as mentoring, career readiness and support, workforce development, or other related learning support activities necessary for the academic and professional success of all students.

(2) Employees whose job title includes diversity, equity, or inclusion but whose primary duties require compliance with state or federal law that conflicts with subdivision (b)(1) are exempt from this subsection (b).

(c) Each public institution of higher education shall ensure that the institution complies with subsection (b). The institution shall submit a report directly to the institution's chief executive on how the institution is complying with subdivision (b)(1). If the institution is part of a university system, then the report must be submitted to the system's chief executive for review after the report is submitted to the institution's chief executive.

(d)

(1) A public institution of higher education shall notify students and employees of the institution on the restrictions in § 49-7-1903 and the definition of divisive concepts in § 49-7-1904 by including such information on the institution's website and on introductory materials provided by the institution to new students and employees.

(2) Institutions shall provide employee training to ensure compliance with this part.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1237**

**House Bill No. 306\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, Part 8, is amended by adding the following as a new section:

In connection with an interscholastic athletic activity or event where membership in the Tennessee Secondary School Athletic Association is required, a student enrolled in a private school in this state is eligible to participate in such athletic activity or event only in accordance with the student's sex, as defined in § 49-2-802.

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



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1237**

**House Bill No. 306\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) In connection with an interscholastic athletic activity or event where membership in the Tennessee Secondary School Athletic Association is required, a student enrolled in a private school in this state is eligible to participate in such athletic activity or event only in accordance with the student's sex, as defined in § 49-2-802.

(b) This section does not prohibit a student whose sex, as defined in § 49-2-802, is female from participating on a team designated for male students if the school does not offer a separate team for female students in that sport.

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



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House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 881**

**House Bill No. 36\***

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

SECTION 1. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subdivision (a)(1) and substituting:

(1) An authorizer, excluding the achievement school district, may revoke a public charter school agreement if the public charter school receives identification as a priority school, as defined by the state's accountability system pursuant to § 49-1-602; provided, however, that an authorizer shall not revoke a public charter school agreement based on the public charter school being identified as a priority school on the priority school list issued in 2022 or 2023. The revocation takes effect immediately following the close of the school year in which the public charter school is identified as a priority school.

SECTION 2. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subdivision (a)(3) and substituting:

(3) An authorizer, excluding the achievement school district, shall revoke a public charter school agreement if the public charter school receives identification as a priority school for two (2) consecutive cycles. The revocation takes effect immediately following the close of the school year in which the public charter school is identified as a priority school for the second consecutive cycle. The priority school lists issued in 2022 and 2023 shall not be considered a priority school cycle for purposes of this subdivision (a)(3) and shall not subject a public charter school to automatic revocation of its charter agreement.

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



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 349\***

**House Bill No. 597**

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 8, Part 1, is amended by adding the following as a new section:

The board of regents shall establish standardized entrepreneurship training opportunities that may be offered by the board's center for workforce development and its institutions through the TN eCampus online learning management system to provide a cost-effective training program for students interested in starting a new business.

SECTION 2. For purposes of developing the standardized entrepreneurial program, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.



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House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 897**

**House Bill No. 520\***

by deleting Section 2 and renumbering the subsequent section accordingly.



House Education Administration Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1117\***

**House Bill No. 1411**

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

SECTION 1. Tennessee Code Annotated, Section 49-2-211, is amended by deleting subsection (b) and substituting:

(b) The policy must:

(1) Allow a parent or legal guardian access to review all surveys, analyses, or evaluations prior to being administered to the parent's or legal guardian's student; and

(2) Require the LEA to obtain the written consent of a student's parent or legal guardian before the student may participate in a survey, analysis, or evaluation. A parent or legal guardian may withdraw the parent's or legal guardian's consent at any time before the student participates in the survey, analysis, or evaluation.

SECTION 2. Tennessee Code Annotated, Section 49-6-1305(b), is amended by deleting the subsection and substituting:

(b)

(1) Before an LEA provides instruction in family life to a student, the LEA must first receive written, informed consent from the student's parent or legal guardian authorizing the student to receive the instruction.

(2) A student's parent or legal guardian may consent to the student only receiving a certain portion of the instruction being provided by the LEA or public charter school in family life.



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(3) A student whose parent or legal guardian does not consent to the student receiving instruction in family life or who only consents to the student receiving a certain portion of any such instruction, is excused from receiving instruction in family life or from receiving the portions of any such instruction to which the parent or legal guardian has not consented in writing to the student receiving.

(4) A student who is excused from any or all portions of instruction being provided in family life must not be penalized for grading purposes if the student performs alternative health lessons.

SECTION 3. Tennessee Code Annotated, Section 49-6-1308(b), is amended by deleting the subsection and substituting:

(b)

(1) Before an LEA or public charter school provides instruction of a sexual orientation curriculum or gender identity curriculum to a student, the LEA or public charter school must first receive written, informed consent from the student's parent or legal guardian authorizing the student to receive the instruction.

(2) A student's parent or legal guardian may consent to the student only receiving a certain portion of the instruction of a sexual orientation curriculum or gender identity curriculum being provided by the LEA or public charter school.

(3) A student whose parent or legal guardian does not consent to the student receiving instruction of a sexual orientation curriculum or gender identity curriculum, or who only consents to the student receiving a certain portion of any such instruction, is excused from receiving instruction of a sexual orientation curriculum or gender identity curriculum, or from receiving the portions of any such instruction to which the parent or legal guardian has not consented in writing to the student receiving.

(4) A student who is excused from any or all portions of the instruction of a sexual orientation curriculum or gender identity curriculum being provided shall not be penalized for grading purposes if the student performs alternative health lessons.

SECTION 4. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(2) An LEA or public charter school must obtain written consent from a student's parent or legal guardian in order for the student to receive health services provided through the LEA's or public charter school's coordinated school health program. The written consent required in this subdivision (b)(2) must be obtained by the LEA or public charter school before the student receives any such services; and

SECTION 5. Tennessee Code Annotated, Section 49-6-1031(b), is amended by deleting the subsection and substituting:

(b) A school shall not allow a student to become a member of a club or organization, or allow a student to participate in any activity of a club or organization, unless the student's parent or legal guardian first provides consent to the student's membership or participation in a writing that is signed and dated.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1117\***

**House Bill No. 1411**

by deleting Section 1 and renumbering the subsequent sections accordingly.



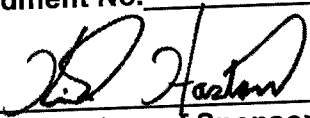
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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1117\***

**House Bill No. 1411**

by deleting Section 4 and substituting:

SECTION 4. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(2) A parent or legal guardian who wishes to excuse the parent's or legal guardian's student from participating in a health screening provided as part of a coordinated school health program must submit a request in writing to the student's instructor, school counselor, or principal. As used in this subdivision (b)(2), "health screening" includes, but is not limited to, vision, dental, dermatology, blood pressure, cholesterol, and body mass index screenings; and

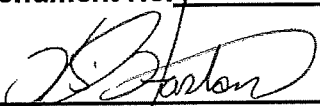


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1117\***

**House Bill No. 1411**

by deleting Section 4 and substituting:

SECTION 4. Tennessee Code Annotated, Section 49-1-1002, is amended by deleting subdivision (b)(2) and substituting:

(2) A parent or legal guardian who wishes to excuse the parent's or legal guardian's student from participating in a health screening provided as part of a coordinated school health program must submit a request in writing to the student's school nurse, instructor, school counselor, or principal. As used in this subdivision (b)(2), "health screening" includes vision, dental, dermatology, blood pressure, hearing, cholesterol, and body mass index screenings; and



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House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1266**

**House Bill No. 692\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-1-602(b)(2)(C), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 49-1-614(b), is amended by designating the current subsection as subdivision (b)(1) and adding the following as a new subdivision:

(2) Notwithstanding subdivision (b)(1), the commissioner shall not directly operate or enter into, or renew, a contract with an individual, governmental entity, or nonprofit entity for the individual or entity to manage the day-to-day operations of a school placed in the ASD.

SECTION 3. Tennessee Code Annotated, Section 49-1-614(c), is amended by deleting subdivisions (c)(1)-(3) and substituting:

(1) The commissioner shall not assign a school or grade configuration within a school to the ASD, regardless of a school's designation as priority status pursuant to § 49-1-602.

SECTION 4. Tennessee Code Annotated, Section 49-1-614(k)(1)(A), is amended by deleting the subdivision and substituting:

A school that has been removed from the LEA and placed in the ASD must remain in the ASD until the school is no longer identified as a priority school pursuant to § 49-1-602 for two (2) consecutive cycles beginning with the 2017 priority school list, or, if the school is being operated by an individual or entity pursuant to a contract with the



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commissioner for the management of the school pursuant to subdivision (b)(1), until the contract expires, whichever occurs first.

SECTION 5. Tennessee Code Annotated, Section 49-1-614(k)(1)(C), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-1-614(k)(4), is amended by deleting the first sentence of the subdivision and substituting:

If an ASD school may be removed from the ASD pursuant to subdivision (k)(1), then the commissioner, in consultation with the LEA, shall implement the transition plan developed and approved by the commissioner pursuant to subdivision (k)(1)(B).

SECTION 7. Tennessee Code Annotated, Section 49-1-614(n), is amended by deleting the subsection.

SECTION 8. The department of education shall, no later than July 1, 2023, submit a request to the United States department of education to amend this state's Every Student Succeeds Act (ESSA) plan for purposes of implementing this act.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Tennessee Education Achievement Portal Act."

(b) The department of education shall create and, by July 1, 2024, administer a Tennessee education achievement portal that provides each LEA with access to educational supports and notifies LEAs of educational grant opportunities.

(c) The Tennessee education achievement portal must include:

- (1) Professional development resources for educators;
- (2) Guidance for LEAs providing foundational literacy skills instruction, as defined in § 49-1-903, to students;

(3) Instructional materials and strategies for LEAs to use for purposes of the learning loss remediation and student acceleration program pursuant to chapter 6, part 15 of this title;

(4) Best practices to help educators develop students into proficient readers;

(5) Notification to LEAs of available state or federal grant opportunities;

(6) Enhanced educational supports for a school identified as a priority school to improve the school's performance goals and measures, which may include contracting with independent school turnaround experts that meet the minimum qualifications required by the department pursuant to § 49-6-3707; and

(7) Resources for LEAs to use to enhance a student's performance on an assessment required pursuant to § 49-6-6001(b)(1), a Tennessee comprehensive assessment program test, or an end-of-course examination.

SECTION 10. Sections 8 and 9 of this act take effect upon becoming a law, the public welfare requiring it. Sections 1-7 of this act take effect on the thirtieth day immediately following the date on which the United States department of education approves the amendment to this state's Every Students Succeeds Act (ESSA) plan submitted pursuant to Section 8 of this act, the public welfare requiring it. The commissioner of education shall notify the executive secretary of the Tennessee code commission in writing of the date on which the United States department of education approved the amendment to this state's ESSA plan. If the United States department of education does not approve the amendment to this state's ESSA plan, then Sections 1-7 of this act shall have no effect.

Amendment No. \_\_\_\_\_

*Mark White*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 12\***

**House Bill No. 433**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2602(3)(C), is amended by deleting subdivision (i) and substituting:

(i) Is zoned to attend a school in an LEA, excluding the achievement school district (ASD), that had three (3) or more schools identified as priority schools in 2015, as defined by the state's accountability system pursuant to § 49-1-602, and that had three (3) or more schools among the bottom ten percent (10%) of schools, as identified by the department in 2017 in accordance with § 49-1-602(b)(3); or

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



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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 12\***

**House Bill No. 433**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-2602, is amended by deleting subdivision (3)(C).

SECTION 2. Tennessee Code Annotated, Section 49-6-2611, is amended by deleting subdivision (a)(1) and subdivisions (a)(2)(A)(iv) and (v).

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



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House K-12 Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 300\***

**House Bill No. 437**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by adding the following as a new subdivision:

(vi) The student demonstrates proficiency in ELA standards based on the student's scoring in at least the fiftieth percentile on the most recently administered benchmark assessment provided by the state, if the benchmark assessment is administered to the student in a test format and in a test environment, as determined by the department; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting the subsection and substituting instead the following:

(d) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade pursuant to subsection (a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide:

(1) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or another administrator of the student's school filing the appeal, in which case an appeal may be filed by such individual; and



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(2) The process by which a principal, guidance counselor, teacher, or another administrator of the student's school obtains the written consent of a student's parent or guardian that is sufficient for purposes of filing an appeal on behalf of the student's parent or guardian.

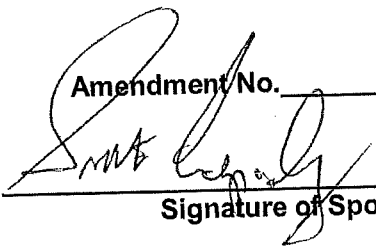
SECTION 3. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(e)

(1) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(2) The department may procure up to three (3) online tutoring providers that LEAs and public charter schools may use to provide online tutoring services to students pursuant to subdivision (e)(1). The department's chief procurement officer is authorized to approve an emergency purchase of online tutoring providers pursuant to this subdivision (e)(2) using procurement methods authorized in § 12-3-505 and the department of general services' central procurement office's rules.

SECTION 4. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 3 of this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 300\***

**House Bill No. 437**

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

SECTION 1. Tennessee Code Annotated, Section 49-6-3115(a)(2)(A), is amended by deleting "or" in subdivision (iv), deleting "; and" in subdivision (v) and substituting "; or", and adding the following as a new subdivision:

(vi) The student demonstrates proficiency in ELA standards based on the student scoring in the fiftieth percentile on the most recently administered state-adopted benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department, and the student's LEA or public charter school agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department. If a student is promoted to the fourth grade pursuant to this subdivision (a)(2)(A)(vi), then the student's LEA or public charter school shall notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encouraging the parent or guardian to do so; and

SECTION 2. Tennessee Code Annotated, Section 49-6-3115(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) The state board of education shall promulgate rules to establish an appeal process, to be administered by the department, for a student who is identified for retention in third grade pursuant to subdivision (a)(1) based on the



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student achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test. The rules must provide:

(A) That if an appeal is filed, the filing must be made by the student's parent or guardian unless the student's parent or guardian consents, in writing, to a principal, guidance counselor, teacher, or other administrator of the student's school filing the appeal, in which case the appeal may be filed by such individual; and

(B) The process by which a principal, guidance counselor, teacher, or other administrator of the student's school must obtain the written consent of a student's parent or guardian for purposes of filing an appeal on behalf of the student's parent or guardian.

(2) The rules must be promulgated in accordance with the Uniform

Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(e)

(1) The department shall report for each LEA:

(A) The number of students identified for mandatory retention pursuant to subdivision (a)(1) who were promoted to the fourth grade pursuant to subdivision (a)(2)(A)(vi);

(B) The provider, format, and frequency of tutoring services provided to students in the fourth grade who were promoted pursuant to subdivision (a)(2)(A)(vi);

(C) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi) that demonstrated growth or proficiency in ELA after receiving tutoring services in the fourth grade;

(D) The number of students promoted pursuant to subdivision (a)(2)(A)(vi) that enrolled in a learning loss bridge camp; and

(E) The percentage of students promoted pursuant to subdivision (a)(2)(A)(vi), and who enrolled in a learning loss bridge camp, that demonstrated growth or proficiency in ELA at the conclusion of the camp.

(2) The department shall report to the education committees of the senate and house of representatives:

(A) The information described in subdivision (e)(1)(A) no later than July 1, 2024, and each July 1 thereafter; and

(B) The information described in subdivisions (e)(1)(B)-(E) no later than July 1, 2025, and each July 1 thereafter.

SECTION 4. Tennessee Code Annotated, Section 49-6-3115, is amended by adding the following as a new subsection:

(f)

(1) Beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department.

(2) The department may procure up to three (3) online tutoring providers for LEAs and public charter schools to use to provide online tutoring services to students. The chief procurement officer is authorized to approve an emergency purchase of online tutoring providers pursuant to this subsection (f) using procurement methods authorized by § 12-3-505 and the rules of the department of general services' central procurement office.

SECTION 5. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, Section 4 of this act takes effect upon

becoming a law, the public welfare requiring it. For all other purposes, all other sections of this act take effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 198\***

**House Bill No. 250**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-6001(b)(4), is amended by deleting subdivision (A) and substituting instead the following:

(A) As a strategy for assessing and certifying students' career readiness and providing students with more choices in identifying career pathways, LEAs and public charter schools shall provide each high school senior the opportunity to take nationally recognized assessments; provided, that the assessments:

(i) Are standardized, criterion-referenced tests designed to measure a broad range of foundational workplace skills;

(ii) Adhere to the Standards for Educational and Psychological Testing developed by the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education;

(iii) Assess and confirm readiness for a variety of jobs;

(iv) Measure skills in a broad range of areas, including:

(a) Critical thinking, mathematical reasoning, and problem-solving techniques in workplace situations;

(b) Reading and comprehending graphic materials, including charts, graphs, diagrams, and floor plans to solve work-related problems; and

(c) Reading and comprehending written information in documents, including emails, letters, directions, signs, bulletins, policies,



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websites, contracts, and regulations to make decisions and solve problems;

(v) Align with research-based skill requirement profiles for specific industries and occupations;

(vi) Lead to nationally recognized work-readiness certificates or credentials for individuals who meet the minimum proficiency requirements on the component assessments;

(vii) Are available in paper and computer-based formats;

(viii) Are aligned with a self-paced, modular skills curriculum that allows for skill remediation; and

(ix) Is competitively procured by the department of education.

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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1216**

**House Bill No. 1088\***

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

SECTION 1. Tennessee Code Annotated, Section 49-3-107, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) Subject to available appropriations, an LEA that experiences ADM growth in non-virtual schools exceeding two percent (2%) for each year of a three-consecutive-year period is eligible for an infrastructure stipend.

(2) Notwithstanding subdivision (c)(1), and subject to available appropriations, an LEA that experienced ADM growth in non-virtual schools exceeding two percent (2%) in the 2019-2020, 2022-2023, and 2023-2024 school years is eligible for an infrastructure stipend for the 2023-2024 school year.

(3) The infrastructure stipend is a per-student flat dollar amount based on the number of member students in non-virtual schools in the LEA for the current school year in excess of a two percent (2%) ADM growth in non-virtual schools from the prior year. An infrastructure stipend in a given year must be uniform for all eligible LEAs.

SECTION 2. This act takes effect July 1, 2023, at 12:01 a.m., the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1221**

**House Bill No. 424\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The commissioner of education may grant, on behalf of the state board of education, under the conditions prescribed by the state board's rules, an individual pursuing clinical experience in an educator preparation program (EPP) who meets the requirements of subsection (b) a temporary permit to teach in a teaching position in which an LEA or public charter school is unable to secure a qualified teacher with a valid license for the type and kind of school in which a vacancy exists.

(b) To be eligible to receive a temporary permit pursuant to subsection (a):

(1) An individual must:

(A) Be enrolled in an EPP and have completed all of the coursework in the program except for the clinical experience required pursuant to § 49-5-5604; and

(B) Submit with the individual's application for a temporary permit a letter of recommendation from the EPP in which the individual is enrolled; and

(2) A director of schools or a director of a public charter school must submit a conditional offer of employment made by the respective director of schools or the director of the public charter school for the individual to fill a position for which the LEA or public charter school is unable to secure a qualified



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teacher with a valid license for the type and kind of school in which a vacancy exists. The conditional offer of employment must include a certification by the director of schools or the director of the public charter school that the director has notified the commissioner of the LEA's or public charter school's inability to fill the vacancy and its intent to employ the individual pursuant to a temporary permit issued pursuant to this section.

(c) The commissioner may grant an individual a temporary permit pursuant to this section authorizing the individual to teach a course requiring an end-of-course examination to satisfy the graduation requirements established by the state board if the individual demonstrates sufficient content knowledge in the course material by taking and passing, at the teacher's own expense, a standardized or criterion-referenced test for the content area in accordance with § 49-6-6006.

(d) Notwithstanding subsection (a), the commissioner shall not grant an individual a temporary permit to teach a physical education class required under § 49-6-1021(e) or a special education course.

(e) A temporary permit issued pursuant to this section is valid only until June 30 following the date of the permit's issuance and shall not be renewed.

(f) A director of schools or a director of a public charter school who learns of the conviction of a teacher holding a temporary permit who is employed by the LEA or public charter school, respectively, for any offense listed in § 49-5-417(a) shall report the conviction to the state board. The state board shall set the time frame within which a director of schools or a director of a public charter school must report a conviction of a teacher holding a temporary permit. The state board may specify other offenses for which a director of schools or a director of a public charter school is required to report to the state board upon learning of a conviction of a teacher holding a temporary permit for any such offense.

(g) A director of schools or a director of a public charter school shall report to the state board teachers holding a temporary permit who are employed by the LEA or public charter school, respectively, who have been suspended or dismissed, or who have resigned, following allegations of conduct, including sexual misconduct, which, if substantiated, would warrant consideration for disciplinary action under state board rules. As used in this subsection (g), "sexual misconduct" has the same meaning as defined in § 49-5-417(c)(5).

(h) An individual who teaches under a temporary permit issued pursuant to this section satisfies the clinical experience required pursuant to § 49-5-5604 if:

(1) The individual is assigned to, and receives guidance, evaluations, and instructions from, an educator for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to meet the EPP's clinical experience requirements;

(2) The educator assigned to the individual evaluates the individual as having adequately met the same requirements that candidates of the EPP in which the individual is enrolled must meet in order to satisfy the clinical experience requirements of § 49-5-5604; and

(3) The individual teaches under a temporary permit for an amount of time that is at least equal to the amount of time required for candidates of the EPP in which the individual is enrolled to complete the clinical experience requirements of § 49-5-5604.

(i) The state board of education shall promulgate rules to effectuate the purposes of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 724\***

**House Bill No. 786**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-5-106, is amended by deleting subsection (i) and substituting:

(i)

(1) After a director of schools or a director of a public charter school notifies the director's local board of education or the governing body of the director's public charter school, as applicable, that the LEA or public charter school is unable to secure a qualified occupational educator with a valid occupational teaching license for a course of study in which a vacancy exists, the director of schools or the director of the public charter school may certify the same to the commissioner of education.

(2) Upon the commissioner's receipt of the certification described in subdivision (i)(1), the commissioner may grant, on behalf of the state board of education, under conditions prescribed in the state board's rules, a temporary permit to teach in the unfilled position to a person recommended by the director of schools or the director of the public charter school, who:

(A) Does not hold a bachelor's degree or an active industry license or credential, including those issued by another state, for the area of endorsement, as defined by the department of education, but who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience,



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completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education; or

(B) Is an honorably discharged veteran of the armed forces, who has a minimum of five (5) years of relevant work experience, completed within the last ten (10) years, or three (3) years of relevant work experience, completed within the last five (5) years, in the area of endorsement or equivalent educational attainment, as defined by the department of education. As used in this subdivision (i)(2)(B), "work experience" includes, but is not limited to, military service, training, and experience.

(3) A temporary permit issued pursuant to this subsection (i) is valid only until June 30 immediately following the date of the permit's issuance and is not renewable. An individual may only be issued one (1) temporary permit under this subsection (i).

SECTION 2. This act takes effect July 1, 2023, at 12:01 a.m., the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 231**

**House Bill No. 276\***

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

SECTION 1. Tennessee Code Annotated, Section 49-4-706, is amended by deleting the section and substituting the following:

(a) As used in this section:

(1) "Approved EPP" means an eligible program of study, as defined in § 49-4-902, that is an educator preparation program approved by the state board of education;

(2) "Continuous enrollment" has the same meaning as defined in § 49-4-902;

(3) "Eligible institution" means an eligible postsecondary institution, as defined in § 49-4-902, with an approved EPP;

(4) "Full-time student" has the same meaning as defined in § 49-4-902;

(5) "Gift aid" means financial aid received from the federal Pell grant, the Tennessee education lottery scholarship, or the Tennessee student assistance award;

(6) "Minority" means a person who is:

(A) Black, African American, or who has origins in any of the black racial groups of Africa;

(B) Hispanic, Latino, or of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;



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(C) Asian American, or who has origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;

(D) Native Hawaiian, Other Pacific Islander, or who has origins in the Pacific Islands; or

(E) American Indian, Alaska Native, or who has origins in any of the original peoples of North America;

(7) "MTFP" means the minority teaching fellows program; and

(8) "TSAC" means the Tennessee student assistance corporation.

(b) TSAC shall administer a minority teaching fellows program for talented Tennesseans who aspire to be teachers. Participation in the MTFP is limited to college juniors, seniors, and post-baccalaureate candidates who are admitted to approved EPPs in this state and who desire to teach in the public schools of this state.

(c) To receive an MTFP award, a student must:

(1) Be a United States citizen;

(2) Be a Tennessee resident, as defined in § 49-8-104;

(3) Be a minority;

(4) Be enrolled in an approved EPP at an eligible institution;

(5) Not be a licensed teacher, and must not be employed, or previously employed, in a teaching position;

(6) Submit an application, as required by TSAC;

(7) Submit copies of all official transcripts to TSAC;

(8) Submit one (1) letter of recommendation to TSAC attesting to the student's commitment to teaching from an official of the enrolling institution; and

(9) Not owe a refund or repayment on any grant, and must not be in default on any loan received at any postsecondary institution under the provisions of Title IV of the Higher Education Act of 1965, as amended.

(d) TSAC shall select recipients for an MTFP award as follows:

(1) Each year for which funds are available, the executive director of TSAC, or the executive director's designee, along with representatives of the state board of education and the department of education, shall form a selection committee to determine the ranking of applicants for an MTFP award in accordance with a ranking system adopted by the selection committee;

(2) Priority for an MTFP award must be given to renewal applicants;

(3) In ranking applicants, the selection committee shall consider:

(A) The applicant's:

(i) Eligibility for the Tennessee HOPE scholarship under chapter 4, part 9 of this title;

(ii) Postsecondary grade point average; and

(iii) Standardized test scores;

(B) Evidence of the applicant's commitment to teaching, including, but not limited to, the applicant's completion of the department of education's education and training career clusters, and other experiences that would indicate the applicant's interest in teaching; and

(C) Other factors identified by the selection committee; and

(4) Approved applications are subject to the availability of funds.

(e) To continue to receive an MTFP award, a student must:

(1) Maintain continuous enrollment in an approved EPP;

(2) Maintain the minimum cumulative grade point average required by the approved EPP, if any; and

(3) Attend an approved EPP as a full-time student if the student is enrolled as an undergraduate student. During periods of internship or student teaching, undergraduate recipients may be enrolled in, and attend, an approved EPP less than full time. Post-baccalaureate recipients may attend less than full time, as determined by the institution's written policies.



(f) If a student receives an MTFP award, then the student may continue to receive an MTFP award until the occurrence of the first of the following events:

- (1) The student attains a degree or completes a post-baccalaureate licensure preparation program through an approved EPP;
- (2) The student ceases to be eligible under subsection (e); or
- (3) Four (4) years have elapsed from the date of the student's enrollment in a term for which the student received the student's first MTFP award.

(g) Subject to the amounts appropriated by the general assembly, the amount of an MTFP award is the cost of tuition and mandatory fees charged to all undergraduate students for coursework leading to completion of an approved EPP at the institution attended, less all other gift aid for which the student is eligible, which must be credited first to tuition and mandatory fees before an MTFP award is applied.

(h) Notwithstanding subsection (g), the amount of an MTFP award at a private institution must not exceed the average cost of tuition and mandatory fees charged to all undergraduate students for coursework leading to completion of an approved EPP at the state's public institutions, less all other gift aid for which the student is eligible.

(i) Any MTFP award made prior to July 1, 2023, that was not converted to a scholarship loan evidenced by a note payable to TSAC that was executed prior to July 1, 2023, must not be converted to a scholarship loan and all subsequent eligibility determinations for MTFP awards are controlled by this section.

(j) TSAC may promulgate rules and develop criteria for the selection of minority Tennessee citizens who may receive an award, the distribution of awards based on the level of enrollment, appeals, and for the general management of the program. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Rush Burkes*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 653**

**House Bill No. 638\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(16)(C), is amended by deleting the subdivision and substituting:

(C)

(i) No person licensed under this title may provide anything of value to a festival operator, except as may be expressly authorized by the commission. Additionally, no festival operator may receive or accept any item or service that a person under this subdivision (16) is prohibited from providing.

(ii) Subdivision (16)(C)(i) does not apply to an independent property owner, tenant, producer, or promoter of a festival. An independent property owner, tenant, producer, or promoter of a festival may accept things of value, including, but not limited to, alcoholic beverage and beer sponsorships and a percentage of proceeds from the sale of alcoholic beverages and beer from a festival licensee, in compliance with 27 U.S.C. § 201, et seq., title 27 of the code of federal regulations, and the guidance in Industry Circular 75-16 dated September 22, 1975, published by the U.S. department of treasury, bureau of alcohol, tobacco and firearms, as such guidance is applicable to festival sponsorships.

(iii) All alcoholic beverages used for the festival must be purchased from wholesalers licensed under § 57-3-203. Notwithstanding another law to the contrary, a wholesaler may buy back any unopened and resalable bottles of



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alcoholic beverages at the end of the festival. A wholesaler shall keep all records, as may be required by the commission, necessary to document the purchase of such products pursuant to this subdivision (16).

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

Amendment No. \_\_\_\_\_

*Elaine Davis*  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 550**

**House Bill No. 449\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-44-103, is amended by adding the following new subsection (d):

(1) A governmental body may use a secure internet website of the governmental body to post notices of public meetings. If the governmental body publishes an e-newsletter or its notices online, then the governmental body shall establish a mechanism by which a person may sign up to receive such notices and e-newsletters by electronic mail, or, alternatively, to receive a hardcopy by regular mail. A governmental body is not required to respond to a request to receive a notice or e-newsletter under this subsection (d) if the request is made in bad faith.

(2) As used in this subsection (d), "governmental body" does not include the governing body of an institution of higher education, as that term is defined in § 49-7-1102.

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

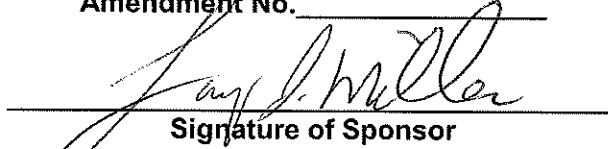


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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**AMEND Senate Bill No. 1142\***

**House Bill No. 1375**

by deleting SECTION 1(e)(1) and substituting:

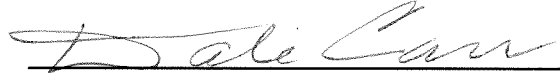
(1) In making appointments to the commission, the appointing authorities shall:

(A) Of each appointing authority's five (5) appointees, appoint at least two (2) appointees who are members of a political party other than that of the appointing authority; and

(B) Strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority. In making the appointments, there must be a conscientious effort by the appointing authorities to ensure that persons meeting these criteria are inclusive of African-Americans and of Native American ancestry.



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 1143\***

**House Bill No. 1373**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-58-103(a)(2), is amended by deleting the language "SAVE program, as defined in § 4-58-102." and substituting "SAVE program, as defined in § 4-58-102; provided, that to be eligible for a professional license or permit issued pursuant to title 57, an applicant may instead show that the applicant has a valid J-1 or F-1 student visa, as verified by the alcoholic beverage commission."

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

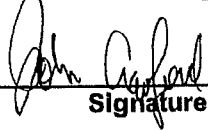


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Signature of Sponsor

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**AMEND Senate Bill No. 832**

**House Bill No. 864\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 2, is amended by adding the following as a new section:

**7-2-109. Required votes for improvements to public facilities.**

The general assembly encourages the improvement of public property and facilities, which can include the use of public-private partnerships. Therefore, notwithstanding the provisions of another law to the contrary, a metropolitan government ordinance, resolution, or charter provision that requires a supermajority vote of the local legislative body in order to make improvements to, renovations to, or replacement of existing facilities owned by the metropolitan government when such facilities are to be used for substantially the same use as the use prior to improvement, renovation, or replacement is declared to be contrary to public policy and is void. Rather, the voting requirement for improvements, renovations, or replacement of existing facilities owned by the metropolitan government that are to be used for substantially the same use as the use prior to improvement, renovation, or replacement, including the lease of the property to a private entity for the purpose of making the improvement, renovation, or replacement, or operation of the facility, must be the same voting requirement applicable to ordinances of the legislative body in general.

SECTION 2. The heading 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.



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

Amendment No. \_\_\_\_\_  
Signature of Sponsor \_\_\_\_\_

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AMEND Senate Bill No. 1420

House Bill No. 905\*

by deleting SECTION 1 and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 16-2-506(13)(A), is amended by redesignating the current language as subdivision (13)(A)(i) and adding the following language as a new subdivision (13)(A)(ii):

(ii) Effective September 1, 2023, there is created in the thirteenth judicial district one (1) additional criminal court to be designated as part II. The governor shall appoint a person to serve as judge of part II of the criminal court, and the person so appointed shall serve in that capacity until September 1, 2024, or until the person's successor is elected and qualified. At the August 2024 general election, the qualified voters of the thirteenth judicial district shall elect, in accordance with § 16-2-505, one (1) person to serve as judge of part II of the criminal court created by this section. The person so elected at the August 2024 election shall hold office until September 1, 2030, or until the person's successor is elected and qualified. Thereafter, the judge of part II of the criminal court shall be elected for a full eight-year term.



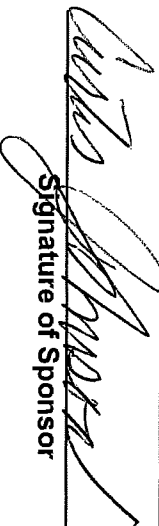
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Amendment No. \_\_\_\_\_

Signature of Sponsor



AMEND Senate Bill No. 1420

House Bill No. 905\*

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by deleting SECTION 1 and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 16-2-506(13)(A), is amended by redesignating the current language as subdivision (13)(A)(i) and adding the following language as a new subdivision (13)(A)(ii):

(ii) Effective September 1, 2023, there is created in the thirteenth judicial district one (1) additional criminal court to be designated as part III. The governor shall appoint a person to serve as judge of part III of the criminal court, and the person so appointed shall serve in that capacity until September 1, 2024, or until the person's successor is elected and qualified. At the August 2024 general election, the qualified voters of the thirteenth judicial district shall elect, in accordance with § 16-2-505, one (1) person to serve as judge of part III of the criminal court created by this section. The person so elected at the August 2024 election shall hold office until September 1, 2030, or until the person's successor is elected and qualified. Thereafter, the judge of part III of the criminal court shall be elected for a full eight-year term.



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Amendment No. \_\_\_\_\_

Signature of Sponsor \_\_\_\_\_

AMEND Senate Bill No. 1325

House Bill No. 1202\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-815, is amended by deleting subsections (a)-(d) and substituting:

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, and subject to subsection (b):

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA is permitted to possess and carry a concealed handgun on the grounds of the school at which the person is assigned; and

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA is permitted to possess and carry a firearm on the grounds of the school at which the person is assigned.

(b) In order to possess and carry a handgun or firearm on school grounds:

(1) Pursuant to subdivision (a)(1), the faculty or staff member must:

(A) Possess and maintain a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Have the written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds;

(C) Not be prohibited from purchasing, possessing, or carrying a handgun under the laws of this state or federal law, as determined by a

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background check. The faculty or staff member must submit two (2) full sets of classifiable fingerprints to the law enforcement agency from which the faculty or staff member is seeking authorization under subdivision (b)(1)(B). The agency must then submit the fingerprints to the Tennessee bureau of investigation. Upon receipt of the fingerprints from the agency, the Tennessee bureau of investigation shall:

(i) Within thirty (30) days, conduct computer searches to determine the person's eligibility to purchase, possess, or carry a handgun as are available to the bureau based solely upon the person's name, date of birth, and social security number, and send the results of the searches to the submitting agency;

(ii) Conduct a criminal history record check based upon one (1) set of the fingerprints received, and send the results to the submitting agency; and

(iii) Send one (1) set of the fingerprints received from the submitting agency to the federal bureau of investigation, request a federal criminal history record check based upon the fingerprints, as long as the service is available, and send the results of the check to the submitting agency;

(D) Have been certified by a Tennessee licensed healthcare provider, who is qualified in the psychiatric or psychological field and who contracts with the authorizing law enforcement agency, as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the faculty or staff member's ability to

safely possess and carry a concealed handgun on the grounds of a school; and

(E) Have successfully completed forty (40) hours of basic training in school policing as required by § 49-6-4217 when the authorization to carry a handgun on school grounds is issued. The faculty or staff member must complete a minimum of forty (40) hours of training specific to school policing that has been approved by the peace officer standards and training (POST) commission each year to retain the authorization. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a concealed handgun on school grounds, not the LEA of the school at which the person is assigned; or

(2) Pursuant to subdivision (a)(2), the person must:

(A) Be authorized to possess and carry a firearm pursuant to § 39-17-1351;

(B) Have the joint written authorization of the LEA's director of schools in conjunction with the principal of the school at which the person is assigned, to carry or possess a firearm on school grounds; and

(C)

(i) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106;

(ii) Comply with all laws, rules, and regulations of the POST commission; and

(iii) Have successfully completed forty (40) hours of basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking

authorization to possess and carry a firearm on school grounds,  
not the LEA of the school at which the person is assigned.

(c) No later than ten (10) days after the director of schools authorizes a person to carry or possess a firearm on school grounds pursuant to subdivision (a)(2), the director shall notify the chief of the appropriate law enforcement agency of the authorization and provide the law enforcement agency with the person's basic information, including the person's name, address, and contact information.

(d) The following is confidential and not open for public inspection:

(1) A joint written authorization of an LEA's director of schools and the principal of the school at which a person is assigned and authorized to carry or possess a firearm on school grounds given pursuant to subdivision (b)(2)(B);

(2) A notification transmitted to the chief of the appropriate law enforcement agency pursuant to subsection (c);

(3) The name and contact information of a person authorized to carry or possess a firearm on school grounds;

(4) Whether an LEA's director of schools and the principal of a school have, or have not, issued a joint written authorization for a person to carry or possess a firearm on school grounds; or

(5) Any other document, file, record, information, or material relating to the carrying or possessing of a firearm on school grounds that is authorized pursuant to this section and that is received by, transmitted to, maintained by, stored by, or compiled by the director of schools, the principal of the school, an LEA, or a city, county, or municipal law enforcement agency.

SECTION 2. Tennessee Code Annotated, Section 49-6-815, is amended by adding the following as new subsections:

(f)

(1) The name and any other information that might identify a faculty or staff member as a person who has elected to carry a concealed handgun pursuant to subdivision (a)(1) is confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency; provided, that the employee's name and other information may be disclosed to an administrative officer of the school district who is responsible for school facility security if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer to whom such information is disclosed must maintain the information as confidential and shall not disclose it to another person.

(2) Law enforcement agencies may develop policies and procedures to implement the notification and confidentiality requirements of subdivision (f)(1).

(g) A faculty or staff member who carries a concealed handgun pursuant to subdivision (a)(1) on property owned, operated, or controlled by the school at which the faculty or staff member is assigned shall not:

(1) Carry the handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(2) Carry the handgun at the following times and locations:

(A) Stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress;

(B) In meetings regarding disciplinary matters;

(C) In meetings regarding tenure issues;

(D) In a hospital, clinic, or office where medical or mental health services are the primary services provided; and

(E) Any location where a provision of state or federal law, except for § 39-17-1309 and the posting provisions of § 39-17-1359, prohibits the carrying of a firearm on that property.



(h) Notwithstanding any other law to the contrary, the employing LEA and authorizing law enforcement agency are immune from claims for monetary damages that arise solely from, or that are related to, a faculty or staff member's use of, or failure to use, a handgun; provided, that the faculty or staff member is authorized to carry the handgun pursuant to this section. This section does not expand the existing conditions for which sovereign immunity is waived in § 9-8-307.

(i) As used in this section, "faculty or staff member":

(1) Includes all faculty, staff, and other persons who are employed on a full-time basis by the LEA; and

(2) Does not include a person who is enrolled as a student at the school, regardless of whether the person is also an employee of the LEA.

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

Amendment No. \_\_\_\_\_

Signature of Sponsor \_\_\_\_\_

AMEND Senate Bill No. 1325

House Bill No. 1202\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-815, is amended by deleting subsections (a)-(d) and substituting:

(a) Notwithstanding § 39-17-1309 or another provision of title 39, chapter 17, part 13 to the contrary, and subject to subsection (b):

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA is permitted to possess and carry a concealed handgun on the grounds of the school at which the person is assigned; and

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA is permitted to possess and carry a firearm on the grounds of the school at which the person is assigned.

(b) In order to possess and carry a handgun or firearm on school grounds:

(1) Pursuant to subdivision (a)(1), the faculty or staff member must:

(A) Possess and maintain a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Not be prohibited from carrying a handgun under the laws of this state or federal law;

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(C) Have the written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds; and

(D) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217 when the authorization to carry a handgun on school grounds is issued. The faculty or staff member must complete a minimum of forty (40) hours of training specific to school policing that has been approved by the peace officer standards and training (POST) commission each year to retain the authorization.

Any such training must be approved by the LEA, and the cost of the training, handgun, and ammunition is at the expense of the person seeking authorization to possess and carry a concealed handgun on school grounds, not the LEA of the school at which the person is assigned; or

(2) Pursuant to subdivision (a)(2), the person must:

(A) Be authorized to possess and carry a handgun pursuant to § 39-17-1351;

(B) Have the joint written authorization of the LEA's director of schools in conjunction with the principal of the school at which the person is assigned to carry or possess a firearm on school grounds; and

(C)

(i) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106;

(ii) Comply with all laws, rules, and regulations of the POST commission; and

(iii) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA, and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a firearm on school grounds, not the LEA of the school at which the person is assigned.

(c) No later than ten (10) days after the director of schools authorizes a person to carry or possess a firearm on school grounds pursuant to subdivision (a)(2), the director shall notify the chief of the appropriate law enforcement agency of the authorization and provide the law enforcement agency with the person's basic information, including the person's name, address, and contact information.

(d) The following are confidential and not open for public inspection:

(1) A joint written authorization of an LEA's director of schools and the principal of the school at which a person is assigned and authorized to carry or possess a firearm on school grounds given pursuant to subdivision (b)(2)(B);

(2) A notification transmitted to the chief of the appropriate law enforcement agency pursuant to subsection (c);

(3) The name and contact information of a person authorized to carry or possess a firearm on school grounds;

(4) Whether an LEA's director of schools and the principal of a school have, or have not, issued a joint written authorization for a person to carry or possess a firearm on school grounds; and

(5) Any other document, file, record, information, or material relating to the carrying or possessing of a firearm on school grounds that is authorized pursuant to this section and that is received by, transmitted to, maintained by,

stored by, or compiled by the director of schools, the principal of the school, an LEA, or a city, county, or municipal law enforcement agency.

SECTION 2. Tennessee Code Annotated, Section 49-6-815, is amended by adding the following as new subsections:

(f)

(1) The name and any other information that might identify a faculty or staff member as a person who has elected to carry a concealed handgun pursuant to subdivision (a)(1) is confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency; provided, that the employee's name and other information may be disclosed to an administrative officer of the school district who is responsible for school facility security if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer to whom such information is disclosed must maintain the information as confidential and shall not disclose it to another person.

(2) Law enforcement agencies may develop policies and procedures to implement the notification and confidentiality requirements of subdivision (f)(1).

(g) A faculty or staff member who carries a concealed handgun pursuant to subdivision (a)(1) on property owned, operated, or controlled by the school at which the faculty or staff member is assigned shall not:

(1) Carry the handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(2) Carry the handgun at the following times and locations:

(A) Stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress;

(B) In meetings regarding disciplinary matters;

(C) In meetings regarding tenure issues;

(D) In a hospital, clinic, or office where medical or mental health services are the primary services provided; and

(E) Any location where a provision of state or federal law, except for § 39-17-1309 and the posting provisions of § 39-17-1359, prohibits the carrying of a firearm on that property.

(h) Notwithstanding another law to the contrary, an LEA is immune from claims for monetary damages that arise solely from, or that are related to, a faculty or staff member's use of, or failure to use, a handgun; provided, that the faculty or staff member is authorized to carry the handgun pursuant to this section. This section does not expand the existing conditions for which sovereign immunity is waived in § 9-8-307.

(i) As used in this section, "faculty or staff member":

(1) Includes all faculty, staff, and other persons who are employed on a full-time basis by the LEA; and

(2) Does not include a person who is enrolled as a student at the school, regardless of whether the person is also an employee of the LEA.

(j) This section does not apply to schools within the department of children's services' LEA.

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

Amendment No. \_\_\_\_\_

Signature of Sponsor \_\_\_\_\_

AMEND Senate Bill No. 1325

House Bill No. 1202\*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-6-815, is amended by deleting subsections (a)-(d) and substituting:

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, and subject to subsection (b):

(1) A person employed by an LEA as a faculty or staff member at a school within the LEA is permitted to possess and carry a concealed handgun on the grounds of the school at which the person is assigned; and

(2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA is permitted to possess and carry a firearm on the grounds of the school at which the person is assigned.

(b) In order to possess and carry a handgun or firearm on school grounds:

(1) Pursuant to subdivision (a)(1), the faculty or staff member must:

(A) Possess and maintain a valid handgun carry permit issued by this state pursuant to § 39-17-1351;

(B) Not be prohibited from carrying a handgun under the laws of this state or federal law;

(C) Have the written authorization of the chief of the appropriate law enforcement agency to carry or possess a concealed handgun on school grounds; and

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(D) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217 when the authorization to carry a handgun on school grounds is issued. The faculty or staff member must complete a minimum of forty (40) hours of training specific to school policing that has been approved by the peace officer standards and training (POST) commission each year to retain the authorization. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a concealed handgun on school grounds, not the LEA of the school at which the person is assigned; or

(2) Pursuant to subdivision (a)(2), the person must:

(A) Be authorized to possess and carry a firearm pursuant to § 39-17-1351; and

(B) Have the joint written authorization of the LEA's director of schools in conjunction with the principal of the school at which the person is assigned, to carry or possess a firearm on school grounds; and

(C)

(i) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106;

(ii) Comply with all laws, rules, and regulations of the POST commission; and

(iii) Have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training must be approved by the LEA and the cost of the training, firearm, and ammunition is at the expense of the person seeking authorization to possess and carry a firearm on school grounds, not the LEA of the school at which the person is assigned.



(c) No later than ten (10) days after the director of schools authorizes a person to carry or possess a firearm on school grounds pursuant to subdivision (a)(2), the director shall notify the chief of the appropriate law enforcement agency of the authorization and provide the law enforcement agency with the person's basic information, including the person's name, address, and contact information.

(d) The following is confidential and not open for public inspection:

(1) A joint written authorization of an LEA's director of schools and the principal of the school at which a person is assigned and authorized to carry or possess a firearm on school grounds given pursuant to subdivision (b)(2)(B);

(2) A notification transmitted to the chief of the appropriate law enforcement agency pursuant to subsection (c);

(3) The name and contact information of a person authorized to carry or possess a firearm on school grounds;

(4) Whether an LEA's director of schools and the principal of a school have, or have not, issued a joint written authorization for a person to carry or possess a firearm on school grounds; or

(5) Any other document, file, record, information, or material relating to the carrying or possessing of a firearm on school grounds that is authorized pursuant to this section and that is received by, transmitted to, maintained by, stored by, or compiled by the director of schools, the principal of the school, an LEA, or a city, county, or municipal law enforcement agency.

SECTION 2. Tennessee Code Annotated, Section 49-6-815, is amended by adding the following as new subsections:

(f)

(1) The name and any other information that might identify a faculty or staff member as a person who has elected to carry a concealed handgun pursuant to subdivision (a)(1) is confidential, not open for public inspection, and

shall not be disclosed by any law enforcement agency; provided, that the employee's name and other information may be disclosed to an administrative officer of the school district who is responsible for school facility security if the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluating the employee. An administrative officer to whom such information is disclosed must maintain the information as confidential and shall not disclose it to another person.

(2) Law enforcement agencies may develop policies and procedures to implement the notification and confidentiality requirements of subdivision (f)(1).

(g) A faculty or staff member who carries a concealed handgun pursuant to subdivision (a)(1) on property owned, operated, or controlled by the school at which the faculty or staff member is assigned shall not:

(1) Carry the handgun openly, or in any other manner in which the handgun is visible to ordinary observation; or

(2) Carry the handgun at the following times and locations:

(A) Stadiums, gymnasiums, or auditoriums when school-sponsored events are in progress;

(B) In meetings regarding disciplinary matters;

(C) In meetings regarding tenure issues;

(D) In a hospital, clinic, or office where medical or mental health services are the primary services provided; and

(E) Any location where a provision of state or federal law, except for § 39-17-1309 and the posting provisions of § 39-17-1359, prohibits the carrying of a firearm on that property.

(h) Notwithstanding any other law to the contrary, an LEA is immune from claims for monetary damages that arise solely from, or that are related to, a faculty or staff member's use of, or failure to use, a handgun; provided, that the faculty or staff member

is authorized to carry the handgun pursuant to this section. This section does not expand the existing conditions for which sovereign immunity is waived in § 9-8-307.

(i) As used in this section, "faculty or staff member":

(1) Includes all faculty, staff, and other persons who are employed on a full-time basis by the LEA; and

(2) Does not include a person who is enrolled as a student at the school, regardless of whether the person is also an employee of the LEA.

(j) This section does not apply to:

(1) Schools within the department of children's services' LEA; or

(2) Schools within the department of correction's LEA.

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

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1195**

**House Bill No. 1374\***

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

SECTION 1. Tennessee Code Annotated, Section 29-13-105(a)(4), is amended by

deleting the language in the subdivision and substituting:

- (4) In the case of the death of the victim, where the compensation is for  
unreimbursed or unreimbursable funeral or burial expenses, to:
- (A) The legal representative of the estate of the victim; or
- (B) If no estate of the victim is opened, to:
- (i) A relative of the victim as defined in § 29-13-102;
- (ii) The victim's aunt, uncle, or cousin; or
- (iii) An individual related to the victim by blood;

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

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House Children & Family Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 447\***

**House Bill No. 619**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-137(b), is amended by adding the following as a new subdivision:

(3) The commissioner shall notify the committing court at least fifteen (15) days prior to the proposed discharge of a child under subdivision (b)(1).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

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Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_



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House Children & Family Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 575\***

**House Bill No. 731**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by

adding the following as a new section:

(a) Notwithstanding a law to the contrary:

(1) If the department of children's services investigates an individual based on a report of medical neglect of a child after July 1, 2026, and does not find that abuse or neglect occurred but instead finds that the report was based on a legitimate difference of medical opinion that involved no substantial threat of injury to the child, then the department must close the case as unsubstantiated.

(2) After the investigation has been closed pursuant to subdivision (a)(1) for one (1) year or more, the individual may submit a written request to the department to remove and destroy all records of the investigation if technologically feasible within the limits of the department's electronic records management system. The request must be accompanied by a consent to such removal and destruction issued by the appropriate district attorney general or the district attorney general's designee. Both the request and consent must be on forms developed by the department and made available to the public.

(b) This section does not apply to records that are relevant to a separate ongoing investigation that is known to the department.

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SECTION 2. The commissioner of children's services is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. For purposes of rule promulgation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

House Children & Family Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 880\***

**House Bill No. 1225**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-5-104, is amended by deleting subsection (c) and substituting:

(c) In addition to the sanctions provided in subsection (a), if an individual fails to comply with the order or decree of support and maintenance for a minor child or children, then the court has the discretion to:

- (1) Require the obligor to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided. An obligor sentenced to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations or to work in a recycling center must be allowed to do so at a time other than the obligor's regular hours of employment; and
- (2) Order the department of safety to issue the obligor a restricted driver license as the court deems appropriate.

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

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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 880\***

**House Bill No. 1225**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-5-104, is amended by deleting subsection (c) and substituting:

(c) In addition to the sanctions provided in subsection (a), if an individual fails to comply with the order or decree of support and maintenance for a minor child or children, then the court has the discretion to:

(1) Require the obligor to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of or in addition to any of the penalties otherwise provided. An obligor sentenced to remove litter from the state highway system, public playgrounds, public parks, or other appropriate locations or to work in a recycling center must be allowed to do so at a time other than the obligor's regular hours of employment; and

(2) Order the department of safety to issue the obligor a restricted driver license as the court deems appropriate.

SECTION 2. This act takes effect January 1, 2024, the public welfare requiring it.



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House Children & Family Affairs Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 528\***

**House Bill No. 551**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "counseling" and substituting instead "counseling, which may occur in person or by virtual means,".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(o)(6)(C), is amended by deleting the subdivision and substituting instead:

(C) If the person, the department, or the licensed child-placing agency to whom the child is surrendered or to whom parental consent is given, has physical custody or has otherwise complied with subdivision (d)(6), and if there has been full compliance with the other provisions of this section, then the court shall, contemporaneously with the surrender or the filing of an adoption petition, immediately upon written motion by the person or the person's attorney, or by the department or the licensed child-placing agency, enter an order giving the person, the licensed child-placing agency, or the department guardianship or partial guardianship of the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-112, is amended by adding the following as a new subsection:

( ) The court may reduce the three-day revocation period to a twenty-four (24) hour revocation period if the birth parent is represented by an attorney who is licensed to practice law in this state.

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g)(10), is amended by deleting the subdivision and substituting instead:



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(10)

(A) The parent has been convicted of one (1) of the following offenses from which the child was conceived:

- (i) Aggravated rape, pursuant to § 39-13-502;
  - (ii) Rape, pursuant to § 39-13-503;
  - (iii) Rape of a child, pursuant to § 39-13-522;
  - (iv) Especially aggravated rape, pursuant to § 39-13-534; or
  - (v) Especially aggravated rape of a child, pursuant to § 39-13-535; and
- (B) A certified copy of the conviction suffices to prove this ground;

SECTION 5. Tennessee Code Annotated, Section 36-1-113(h)(1), is amended by deleting subdivision (h)(1)(D) and substituting instead the following:

(D) If a juvenile court has made a finding of severe child abuse as defined in § 37-1-102, then a petition required by this subdivision (h)(1)(D) must be filed within ninety (90) days of the finding:

(E) If a child has been in foster care under the responsibility of the department for six (6) months or more and the child's parents have not made reasonable progress toward obtaining custody of the child during the six-month period; or

(F) If two (2) or more of the grounds for termination of parental rights set out in subsection (g) apply to the child's parent.

SECTION 6. Tennessee Code Annotated, Section 36-1-117(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The biological father has claimed to the child's biological mother, or the petitioners or their attorney, or to the department, a licensed child-placing agency, or a licensed clinical social worker who is involved in the care, placement, supervision, or study of the child, that the biological father believes that the biological father is the father of the child and has either paid financial support to or for the benefit of the child or the

child's mother during the pregnancy or when the mother had physical custody of the child, or has made a court filing or appearance consistent with the biological father's claim of paternity; provided, that if the biological father has previously notified the department of the biological father's claim to paternity of the child pursuant to the putative father registry, § 36-2-318(e)(3), then the biological father is subject to all requirements for waiver of notice provisions of § 36-2-318(f)(2) and to all requirements for filing a paternity petition;

SECTION 7. Tennessee Code Annotated, Section 36-1-117(c)(4), is amended by deleting the subdivision and substituting instead:

(4) The biological father has openly lived with the child and has held himself out as the father of the child; provided, that if custody of the child has been removed from the biological mother by court order, notice shall be given to any man who was openly living with the child at the time of the initiation of the custody or guardianship proceeding that resulted in the removal of the custody or guardianship of the child from the biological mother or biological father, if the man held himself out to be the father of the child at the time of the removal; or

SECTION 8. Tennessee Code Annotated, Section 36-1-122(b)(2), is amended by deleting the subdivision and substituting instead:

(2) In no event, for any reason, shall an adoption be overturned by any court or collaterally attacked by any person or entity after six (6) months from the date of entry of the final order of adoption by a court of competent jurisdiction. This subdivision (b)(2) is intended as a statute of repose.

SECTION 9. Tennessee Code Annotated, Section 37-2-414(b)(2), is amended by adding the following language between the first and second sentences of the subdivision:

The department shall prioritize efforts to locate an appropriate kinship foster care placement for the child for at least thirty (30) days following removal from the child's home.

SECTION 10. Tennessee Code Annotated, Section 37-2-414(b), is amended by adding the following new subdivision:

( ) The department shall develop and implement eligibility standards for temporary kinship placements.

SECTION 11. Tennessee Code Annotated, Section 37-2-414(e), is amended by adding the following subdivision (e)(1) and redesignating the current language as subdivision (e)(2):

(1) Except when placement is in the best interest of the child, the department shall not place a child with, or allow a child to remain in the home of, a kinship foster parent if the kinship foster parent shares a residence with the child's parent who has had parental rights to the child terminated.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(17), is amended by adding the following language before the semicolon at the end of the subdivision:

. A foster parent who has served as the physical placement for the child for a period of nine (9) months or more shall be permitted to appear and actively participate in any permanency hearing or dispositional hearing for that child with regard to the best interests of the child

SECTION 13. Tennessee Code Annotated, Section 37-2-416, is amended by deleting subsection (a), substituting the following, and redesignating the subsequent subsection appropriately:

(a) The department shall notify the foster parents, if any, or any prospective adoptive parent or relative providing care for the child in state custody with notice of any review or hearing to be held with respect to the child. The foster parents, if any, of such a child and any prospective adoptive parent or relative providing care for the child shall be provided with notice of the right to be heard in any review or hearing to be held with respect to the child, except that this section shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child who has served as the physical placement for the child for a period of fewer than nine (9)

continuous months be made a party to such a review or hearing solely on the basis of such notice and right to be heard.

(b) Any foster parent who has served as the physical placement for the child for a period of nine (9) or more continuous months shall be permitted to appear, call witnesses, make arguments, and be represented by counsel for the sole purpose of presenting evidence with regard to the best interests of the child.

SECTION 14. Tennessee Code Annotated, Section 36-1-116(a), is amended by adding the following new subdivision:

(3) The department must accept a home study performed by a licensed child-placing agency or licensed clinical social worker within the previous two (2) years, and shall not require a prospective adoptive parent who has had a valid home study completed by a licensed child-placing agency or licensed clinical social worker to undergo an additional home study by the department in order to adopt a child who is in the custody of the department unless there have been subsequent changes to the circumstances of the household.

SECTION 15. Tennessee Code Annotated, Section 36-1-114, is amended by deleting the section and substituting:

(a) The termination petition may be filed in the county:

(1) Where the petitioners reside;

(2) Where the child resides;

(3) Where, at the time the petition is filed, any respondent resides;

(4) In which is located any licensed child-placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered as provided in this part;

(5) Where the child became subject to the care and control of a public or private child-caring or child-placing agency; or

(6) Where the child became subject to partial or complete guardianship or legal custody of the petitioners as provided in this part.

(b) The adoption petition may be filed in any county listed in subdivisions (a)(1)–(6) or a county that is adjacent to a county listed in subdivisions (a)(1)–(6).

SECTION 16. Tennessee Code Annotated, Section 37-2-403(b), is amended by adding the following new subdivision:

(4) A foster parent or kinship caregiver with whom a child has resided for six (6) months or more is a person who has a significant relationship with the child. Absent evidence to the contrary, the department, foster care advisory review board, or court may presume that continuation of the child's placement with, or adoption by, the child's current caregivers is in the child's best interests.

SECTION 17. Section 8 of this act takes effect July 1, 2024, the public welfare requiring it. All other sections of this act take effect July 1, 2023, the public welfare requiring it.

**FILED**

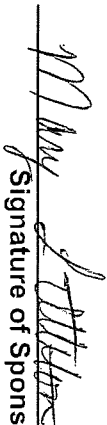
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Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor**AMEND Senate Bill No. 528\*****House Bill No. 551**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "counseling" and substituting instead "counseling, which may occur in person or by virtual means,".

SECTION 2. Tennessee Code Annotated, Section 36-1-111(o)(6)(C), is amended by deleting the subdivision and substituting instead:

(C) If the person, the department, or the licensed child-placing agency to whom the child is surrendered or to whom parental consent is given, has physical custody or has otherwise complied with subdivision (d)(6), and if there has been full compliance with the other provisions of this section, then the court shall, contemporaneously with the surrender or the filing of an adoption petition, immediately upon written motion by the person or the person's attorney, or by the department or the licensed child-placing agency, enter an order giving the person, the licensed child-placing agency, or the department guardianship or partial guardianship of the child.

SECTION 3. Tennessee Code Annotated, Section 36-1-112, is amended by adding the following as a new subsection:

( ) The court may reduce the three-day revocation period to a twenty-four (24) hour revocation period if the birth parent is represented by an attorney who is licensed to practice law in this state.

SECTION 4. Tennessee Code Annotated, Section 36-1-113(g)(10), is amended by deleting the subdivision and substituting instead:



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(10)

(A) The parent has been convicted of one (1) of the following offenses from which the child was conceived:

- (i) Aggravated rape, pursuant to § 39-13-502;
- (ii) Rape, pursuant to § 39-13-503;
- (iii) Rape of a child, pursuant to § 39-13-522;
- (iv) Especially aggravated rape, pursuant to § 39-13-534; or
- (v) Especially aggravated rape of a child, pursuant to § 39-13-535; and

(B) A certified copy of the conviction suffices to prove this ground;

SECTION 5. Tennessee Code Annotated, Section 36-1-113(h)(1), is amended by deleting subdivision (h)(1)(D) and substituting instead the following:

(D) If a juvenile court has made a finding of severe child abuse as defined in § 37-1-102, then a petition required by this subdivision (h)(1)(D) must be filed within ninety (90) days of the finding;

(E) If a child has been in foster care under the responsibility of the department for six (6) months or more and the child's parents have not made reasonable progress toward obtaining custody of the child during the six-month period; or

(F) If two (2) or more of the grounds for termination of parental rights set out in subsection (g) apply to the child's parent.

SECTION 6. Tennessee Code Annotated, Section 36-1-117(c)(2), is amended by deleting the subdivision and substituting instead:

(2) The biological father has claimed to the child's biological mother, or the petitioners or their attorney, or to the department, a licensed child-placing agency, or a licensed clinical social worker who is involved in the care, placement, supervision, or study of the child, that the biological father believes that the biological father is the father of the child and has either paid financial support to or for the benefit of the child or the

child's mother during the pregnancy or when the mother had physical custody of the child, or has made a court filing or appearance consistent with the biological father's claim of paternity; provided, that if the biological father has previously notified the department of the biological father's claim to paternity of the child pursuant to the putative father registry, § 36-2-318(e)(3), then the biological father is subject to all requirements for waiver of notice provisions of § 36-2-318(f)(2) and to all requirements for filing a paternity petition;

SECTION 7. Tennessee Code Annotated, Section 36-1-117(c)(4), is amended by deleting the subdivision and substituting instead:

(4) The biological father has openly lived with the child and has held himself out as the father of the child; provided, that if custody of the child has been removed from the biological mother by court order, notice shall be given to any man who was openly living with the child at the time of the initiation of the custody or guardianship proceeding that resulted in the removal of the custody or guardianship of the child from the biological mother or biological father, if the man held himself out to be the father of the child at the time of the removal; or

SECTION 8. Tennessee Code Annotated, Section 36-1-122(b)(2), is amended by deleting the subdivision and substituting instead:

(2) In no event, for any reason, shall an adoption be overturned by any court or collaterally attacked by any person or entity after six (6) months from the date of entry of the final order of adoption by a court of competent jurisdiction. This subdivision (b)(2) is intended as a statute of repose.

SECTION 9. Tennessee Code Annotated, Section 37-2-414(b)(2), is amended by adding the following language between the first and second sentences of the subdivision:

The department shall prioritize efforts to locate an appropriate kinship foster care placement for the child for at least thirty (30) days following removal from the child's home.

SECTION 10. Tennessee Code Annotated, Section 37-2-414(b), is amended by adding the following new subdivision:

( ) The department shall develop and implement eligibility standards for temporary kinship placements.

SECTION 11. Tennessee Code Annotated, Section 37-2-414(e), is amended by adding the following subdivision (e)(1) and redesignating the current language as subdivision (e)(2):

(1) Except when placement is in the best interest of the child, the department shall not place a child with, or allow a child to remain in the home of, a kinship foster parent if the kinship foster parent shares a residence with the child's parent who has had parental rights to the child terminated.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(17), is amended by adding the following language before the semicolon at the end of the subdivision:

. A foster parent who has served as the physical placement for the child for a period of nine (9) months or more shall be permitted to appear and actively participate in any permanency hearing or dispositional hearing for that child with regard to the best interests of the child

SECTION 13. Tennessee Code Annotated, Section 37-2-416, is amended by deleting subsection (a), substituting the following, and redesignating the subsequent subsection appropriately:

(a) The department shall notify the foster parents, if any, or any prospective adoptive parent or relative providing care for the child in state custody with notice of any review or hearing to be held with respect to the child. The foster parents, if any, of such a child and any prospective adoptive parent or relative providing care for the child shall be provided with notice of the right to be heard in any review or hearing to be held with respect to the child, except that this section shall not be construed to require that any foster parent, prospective adoptive parent, or relative providing care for the child who has served as the physical placement for the child for a period of fewer than nine (9)

continuous months be made a party to such a review or hearing solely on the basis of such notice and right to be heard.

(b) Any foster parent who has served as the physical placement for the child for a period of nine (9) or more continuous months shall be permitted to appear for the sole purpose of presenting evidence with regard to the best interests of the child.

SECTION 14. Tennessee Code Annotated, Section 36-1-116(a), is amended by adding the following new subdivision:

(3) The department must accept a home study performed by a licensed child-placing agency or licensed clinical social worker within the previous two (2) years, and shall not require a prospective adoptive parent who has had a valid home study completed by a licensed child-placing agency or licensed clinical social worker to undergo an additional home study by the department in order to adopt a child who is in the custody of the department unless there have been subsequent changes to the circumstances of the household.

SECTION 15. Tennessee Code Annotated, Section 36-1-114, is amended by deleting

the section and substituting:

(a) The termination petition may be filed in the county:

(1) Where the petitioners reside;

(2) Where the child resides;

(3) Where, at the time the petition is filed, any respondent resides;

(4) In which is located any licensed child-placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered as provided in this part;

(5) Where the child became subject to the care and control of a public or private child-caring or child-placing agency; or

(6) Where the child became subject to partial or complete guardianship or legal custody of the petitioners as provided in this part.

(b) The adoption petition may be filed in any county listed in subdivisions (a)(1)–(6) or a county that is adjacent to a county listed in subdivisions (a)(1)–(6).

SECTION 16. Tennessee Code Annotated, Section 37-2-403(b), is amended by adding the following new subdivision:

(4) A foster parent or kinship caregiver with whom a child has resided for six (6) months or more is a person who has a significant relationship with the child. Absent evidence to the contrary, the department, foster care advisory review board, or court may presume that continuation of the child's placement with, or adoption by, the child's current caregivers is in the child's best interests.

SECTION 17. Section 8 of this act takes effect July 1, 2024, the public welfare requiring it. All other sections of this act take effect July 1, 2023, the public welfare requiring it.

House Civil Justice Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 1218**

**House Bill No. 100\***

by adding the following as a new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 67-4-601, is amended by adding the following as a new subsection:

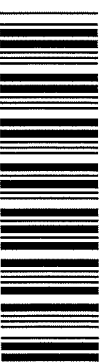
( ) Notwithstanding § 67-1-602, a county continues to have the authority to levy a local litigation tax on an adoption proceeding in chancery, circuit, or juvenile court, and the exemption provided in Section 1 does not limit or repeal such authority.

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Amendment No. \_\_\_\_\_

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 474\***

**House Bill No. 505**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-13-208, is amended by deleting the section and substituting instead:

Notwithstanding a charter provision or § 6-31-104 to the contrary, municipal elections may be conducted on a partisan or nonpartisan basis. If at least one (1) county primary board of a political party elects to conduct municipal elections on a partisan basis in a municipality, then a person seeking to be elected to a municipal office in that municipality may campaign as the nominee or representative of a political party, and political parties may nominate candidates for municipal office by any method authorized under the rules of the party or by primary election under this title.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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- 1 -



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Amendment No. \_\_\_\_\_  
*Kelly K. King*  
\_\_\_\_\_  
Signature of Sponsor

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**AMEND Senate Bill No. 1007\***

**House Bill No. 1254**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-7-112(a)(2), is amended by deleting the subdivision and substituting the following as a new subdivision (2)(A) and redesignating the existing subdivisions (2)(A) and (2)(B) accordingly:

(A) The county election commission shall use either a computerized voter signature list or an electronic poll book that has been approved for use by the coordinator of elections. A computerized voter signature list must include the voter's name, current address of residence, voter identification number, birth date, and a space for the voter's signature, elections voted, application or ballot stub number, or both, and precinct registrar's initials. The electronic poll book must contain the same information as on the computerized voter signature list in an electronic format and provide a place on its screen for the precinct registrar to record elections voted, application or ballot stub number, or both, the precinct registrar's initials and a place for the voter's signature. If a place for the voter's signature is not available on the electronic poll book screen, the voter shall sign the printed application.

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



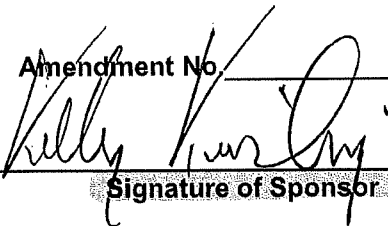
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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1007\***

**House Bill No. 1254**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-7-112(a)(2), is amended by deleting the first three sentences of the subdivision, adding the following as a new subdivision (2)(A), and redesignating the existing subdivisions (2)(A) and (2)(B) as subdivisions (2)(B) and (2)(C):

(A) The county election commission shall use either a computerized voter signature list or an electronic poll book that has been approved for use by the coordinator of elections. A computerized voter signature list must include the voter's name, current address of residence, voter identification number, birth date, and a space for the voter's signature, elections voted, application or ballot stub number, or both, and the precinct registrar's initials. The electronic poll book must contain the same information as on the computerized voter signature list in an electronic format and provide a place on its screen for the precinct registrar to record elections voted, application or ballot stub number, or both, the precinct registrar's initials, and the voter's signature. If a place for the voter's signature is not available on the electronic poll book screen, the voter shall sign the printed application.

SECTION 2. Tennessee Code Annotated, Section 2-5-208(j), is amended by deleting the subsection.

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



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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

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| Clerk        | _____ |
| Comm. Amdt.  | _____ |

**AMEND Senate Bill No. 595\***

**House Bill No. 635**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-9-109, is amended by adding the following as a new subsection:

(c) Notwithstanding subsections (a) and (b), for the 2024 election cycle and election cycles thereafter, a county election commission may elect to use secure, serialized, currency grade, hand-marked paper ballots as the primary method of voting.

SECTION 2. This act takes 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. 137\***

**House Bill No. 835**

by deleting Section 3 and substituting instead:

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.



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- 1 -



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 646**

**House Bill No. 603\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-1-116, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (c), a county legislative body may, by resolution, require candidates and political campaign committees to remove signs, posters, or placards that are on highway rights-of-way or other publicly owned property more than three (3) weeks after an election and are not subject to the exception in subsection (b). The resolution may authorize the county to issue civil penalties, not to exceed fifty dollars (\$50.00) per day, per parcel of property, against a candidate or political campaign committee that does not remove the signs after being notified of the requirement of their removal.

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



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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 646**

**House Bill No. 603\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-1-116, is amended by adding the following as a new subsection:

(d) Notwithstanding subsection (c), a county legislative body may, by resolution, create a procedure for identifying signs, posters, or placards that violate subsection (a) and are not subject to the exception in subsection (b). The resolution may authorize the county legislative body, or a committee of the legislative body, to issue civil penalties, not to exceed fifty dollars (\$50.00) per day, per parcel of property, against a candidate or political campaign committee that does not remove the signs after being notified of the requirement of their removal. The resolution must provide for an appeal process for the civil penalties issued pursuant to the resolution.

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

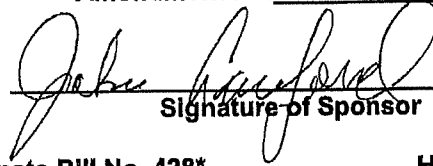


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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 428\***

**House Bill No. 475**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 2-5-208, is amended by deleting subsection (j).

SECTION 2. This act takes 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. 564**

**House Bill No. 499\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 11, Part 1, is amended by adding the following as a new section:

(a) Members of the state election commission shall disclose any employment or the receipt of a fee, commission, or another form of compensation, including in-kind contributions, received for services related to elections.

(b) Such disclosure must include:

- (1) The name and address of the person or entity for whom the commissioner is employed or providing services;
- (2) The amount of the compensation;
- (3) The dates the services were rendered; and
- (4) A general description of the services rendered.

(c) The commissioners shall make the disclosures required by subsection (a) on a form adopted by the state election commission.

(d) A commissioner shall file the disclosures for employment that began, or an agreement to provide services entered into, before the commissioner was appointed within thirty (30) days of the beginning of the commissioner's term. A commissioner shall file all other disclosures within thirty (30) days of becoming employed or entering into an agreement to provide services. The disclosures must be recorded in the minutes of the state election commission.



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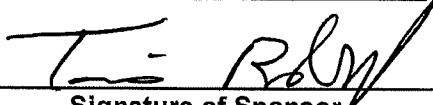
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(e) Failure to timely file disclosures constitutes cause for removal under § 2-11-113.

SECTION 2. This act takes 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. 1182**

**House Bill No. 772\***

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

SECTION 1. Tennessee Code Annotated, Section 2-5-205(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(1) The names of persons for whom the chair of a statewide political party has certified to be placed on the ballot for the office of president of the United States to the secretary of state. The secretary of state shall submit the names to the state election commission no later than the first Tuesday in December immediately preceding the year in which the election will be held. If a candidate who has been certified by the secretary of state wishes to be a candidate in the presidential primary of a party other than that for which the chair of the statewide political party certified the candidate, then the candidate shall signify the candidate's political party preference to the state election commission no later than twelve o'clock (12:00) noon, prevailing time, on the date established in subsection (b), and the candidate's name must be certified only for the ballot of the candidate's chosen party, as the case may be.

SECTION 2. Tennessee Code Annotated, Section 2-5-205(c), is amended by deleting the subsection in its entirety and substituting instead the following language:

(c) The coordinator of elections shall certify to the county election commissions on the third Thursday in December the names that this section requires to be on the ballot for each political party.

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



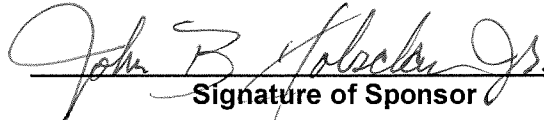
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Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 293**

**House Bill No. 191\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

- ( ) A commercially operated facility that:
  - (i) Operates a full-service restaurant established in 2021;
  - (ii) Is situated on approximately one and one-half (1 1/2) acres;
  - (iii) Contains approximately three thousand five hundred sixty square feet (3,560 sq. ft.);
  - (iv) Has seating for approximately ninety-five (95) patrons;
  - (v) Is located approximately two and six-tenths (2.6) miles from the Roan Mountain State Park Visitors Center; and
  - (vi) Is located in a county with a population of not less than fifty-six thousand three hundred (56,300) and not more than fifty-six thousand four hundred (56,400), according to the 2020 or a subsequent federal census;

SECTION 2. Tennessee Code Annotated, Section 57-4-102(28), is amended by deleting subdivision (A) and substituting:

- (i) A commercially operated facility that:
  - (a) Was established in 1962;
  - (b) Is located on approximately one (1) or more acres contiguous to Gatlinburg Parkway that connects by way of a tramway to approximately one hundred fifty (150) or more acres;



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(c) Operates a ski lodge, tramway over two (2) miles long, and tramway mall with over two hundred thousand square feet (200,000 sq. ft.);

(d) Operates multiple restaurants with seating for at least two hundred fifty (250) patrons;

(e) Maintains at least one (1) of the following types of sporting facilities for at least a portion of the year:

(1) Ten (10) or more ski runs;

(2) An ice skating rink; or

(3) An area for snow tubing;

(f) Operates a scenic chair lift to the top of Mount Harrison;

(g) Serves as an event venue for concerts, conferences, weddings, receptions, and similar events; and

(h) Is located in a city with a population of not less than three thousand five hundred seventy (3,570) and not more than three thousand five hundred seventy-nine (3,579), according to the 2020 or a subsequent federal census;

(ii) The premises of a facility licensed under this subdivision (28)(A) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The designated premises may include property owned or leased by the facility and property that is contiguous to the property of the facility that is defined in this subdivision (28)(A). The entire designated premises is covered under one (1) license issued under this subdivision (28)(A);

(iii) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (28)(A) means, for beer permitting purposes, any or all of the property that constitutes the facility as designated in subdivision (28)(A)(ii). The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a

new drawing. The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

(iv) A facility licensed under this subdivision (28)(A) may obtain a license as a caterer under subdivision (6);

(v) A facility licensed under this subdivision (28)(A) may hold any of the licenses authorized under this subsection (28)(A) and may grant a franchise right to one (1) or more entities for all such licenses; and

(vi) A facility licensed under this subdivision (28)(A) may deliver alcoholic beverages to any area within the licensed premises of the facility;

SECTION 3. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( ) A commercially operated facility that:

(i) Was established in 2021;

(ii) Is situated on approximately six (6) acres adjacent to Reelfoot Lake;

(iii) Operates a restaurant with seating for approximately seventy-four (74) patrons;

(iv) Operates approximately ninety-seven (97) beds for lodging, consisting of a motel, cabins, and other lodging;

(v) Operates forty-eight (48) covered boat slips;

(vi) Offers activities such as boating, fishing, swimming, picnicking, bird-watching, and other outdoor activities;

(vii) Serves as an event venue for weddings, birthdays, reunions, and similar events; and

(viii) Is located in a municipality with a population of not less than two hundred five (205) and not more than two hundred fifteen (215), according to the 2020 federal census or a subsequent federal census;

SECTION 4. Tennessee Code Annotated, Section 57-4-102(8)(l)(i), is amended by deleting the language:

"Club" also means a for-profit recreational club organized and existing under the laws of this state

and substituting:

"Club" also means a for-profit recreational club organized and existing under the laws of this state, or organized and existing under the laws of another jurisdiction, holding a certificate of authority to transact business in this state from the secretary of state under the Tennessee Business Corporation Act, compiled in title 48, chapters 11-27,

SECTION 5. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Was established in 2023 and is located on approximately thirty-two (32) acres;

(b) Is a walkable, mixed-use retail and commercial facility totaling approximately one hundred fifty thousand square feet (150,000 sq. ft.) and that is composed of up to twenty (20) mixed-use buildings for restaurants and food service, retail, office space, and similar services;

(c) Is located approximately three (3) miles from the Tennessee-Georgia state line and lies contiguous to State Highway 321 and State Highway 320;

(d) Is located within two thousand feet (2,000') of an elementary school, a high school, and Hurricane Creek; and

(e) Is located in a county with a population of at least three hundred sixty-six thousand two hundred (366,200) and not more than

three hundred sixty-six thousand three hundred (366,300), according to the 2020 or a subsequent federal census; and

(ii) The premises of a facility licensed under this subdivision (28)( ) means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

SECTION 6. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Is located on approximately eight (8) acres contiguous to Hooper Highway;

(b) Is located in a county with a population of not less than thirty-five thousand nine hundred (35,900) nor more than thirty-six thousand (36,000);

(c) Serves as a campground resort; and

(d) Has a pavilion, bathhouse, swimming pool, and a lodge with two (2) floors, consisting of at least three thousand nine hundred square feet (3,900 sq. ft.);

(ii) A facility licensed under this subdivision (28)( ) is not required to meet a gross revenue percentage requirement for food service as a prerequisite to the issuance of a license to serve liquor-by-the-drink; provided, however, that a facility applying for the renewal of its license under this subdivision (28)( ) must pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;

(iii) The premises of a facility licensed under this subdivision (28)( ) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises may be covered under one (1) license issued under this subdivision (28)( );

(iv) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility licensed under this subdivision (28)( ) means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises may be covered under one (1) beer permit issued under chapter 5 of this title;

(v) A facility licensed under this subdivision (28)( ) may seek an additional license as a caterer under § 57-4-102(6); and

(vi) A facility licensed under this subdivision (28)( ) may hold any of the licenses authorized under chapter 4 of this title and may grant a franchise to one (1) or more entities for any or all such licenses;

SECTION 7. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

- (i) Is situated on approximately seventy-seven (77) acres;
- (ii) Operates an RV resort, with RV sites for rent;
- (iii) Operates a general store, a restaurant, and a bath house;
- (iv) Was previously used to operate a lumber mill;
- (v) Is located approximately one (1) mile north of Dale Hollow Lake; and

(vi) Is located in a county with a population of not less than five thousand (5,000) and not more than five thousand one hundred (5,100), according to the 2020 federal census or a subsequent federal census;

SECTION 8. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Was founded in 2017;

(ii) Is situated on approximately one and four-tenths (1.4) acres less than one (1) mile from the Piney River;

(iii) Operates a restaurant and deli with approximately three thousand two hundred square feet (3,200 sq. ft.) and with indoor seating for twenty-four (24) patrons and patio seating for an additional twenty (20) patrons; and

(iv) Is located in a county with a population of not less than twenty-four thousand nine hundred (24,900) and not more than twenty-five thousand (25,000), according to the 2020 or a subsequent federal census;

SECTION 9. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following as a new subdivision:

( ) "Community theater" also means a facility that:

(i) Was established in 1999, and is located in a former school building built in 1926;

(ii) Is situated on approximately five (5) acres;

(iii) Consists of approximately twenty thousand square feet (20,000 sq. ft.);

(iv) Provides theater, art, music, pottery, and dance classes;

(v) Serves as a venue for concerts, plays, and recitals;

(vi) Offers its facility for summer camps, community events, holiday celebrations, and community meetings; and



(vii) Is located approximately one and three-tenths (1.3) miles from Signal Point in a municipality with a population of not less than eight thousand eight hundred fifty (8,850) and not more than eight thousand eight hundred fifty-nine (8,559), according to the 2020 federal census or a subsequent federal census;

SECTION 10. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Was founded in August of 2019;

(ii) Is located in a former renovated bank building of approximately two thousand seven hundred square feet (2,700 sq. ft.) in the downtown district of a municipality with a population of not less than twenty thousand three hundred thirty (20,330) and not more than twenty thousand three hundred forty (20,340), according to the 2020 or a subsequent federal census;

(iii) Operates a restaurant with indoor seating for approximately forty (40) patrons; patio seating for approximately twenty (20) patrons; and the potential for private upstairs seating for approximately twenty-five (25) patrons;

(iv) Operates a cigar shop whose walk-in humidor is a former bank vault;

(v) Is a venue for live music, social gatherings, private parties, and similar events; and

(vi) Is located approximately thirteen (13) miles from the Jack Daniel's Distillery; seven and four-tenths (7.4) miles from Tim's Ford Lake; six (6) miles from Cascade Hollow Distillery; and two and nine-tenths (2.9) miles from Lakewood Golf & Country Club;

SECTION 11. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Operates a vintage passenger train;

(b) Is owned and operated by a not-for-profit corporation which has been in existence since 1961;

(c) Is dedicated to preserving the heritage of rail transport in this state and the central South and whose name honors the region of the Tennessee Valley;

(d) Is located on the original right of way of the East Tennessee and Georgia Railway, which includes a railroad tunnel named to the National Register of Historic Places;

(e) Has a museum which began as a Chapter of the National Railway Historical Society, and has preserved a collection of passenger cars, cabooses, freight cars, and locomotives, much of which collection is also named to the National Register of Historic Places, with a staff who works to restore and maintain the collection of equipment;

(f) Has the capacity to serve food and beverages to visitors and guests;

(g) Has adequate facilities and equipment for serving passengers, on regular or special schedules, or charter trips; and

(h) Is located in a county having a population of not less than three hundred sixty-six thousand two hundred (366,200) nor more than three hundred sixty-six thousand three hundred (366,300), according to the 2020 federal census or a subsequent federal census;

(ii) A train operated by a licensee under this subdivision (28)( ) may sell and serve alcoholic beverages and beer on the train while both stationary and in motion;

(iii) A licensee under this subdivision (28)( ) shall designate the premises to be licensed by the commission by filing a drawing of the premises, and such drawing may be amended by the licensee filing a new drawing; and

(iv) The premises of a facility licensed under this subdivision (28)( ) means, for beer permitting purposes, all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing;

SECTION 12. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( ) A commercially operated facility having the following characteristics:

(i) Contains a barn, farmhouse, lavender gardens, pastures, and event venue building that contains approximately seven thousand square feet (7,000 sq. ft.);

(ii) Is used for weddings, fishing, hiking, and flower picking; and

(iii) Is located approximately two (2) miles from Fall Creek Falls State Park and thirty (30) miles from Center Hill Lake in a county having a population of not less than six thousand one hundred (6,100) and not more than six thousand two hundred (6,200), according to the 2020 or a subsequent federal census;

SECTION 13. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( ) A commercially operated facility that:

(i) Was established in 2022 and is situated on approximately one and eighty-seven one hundredths (1.87) acres, with the original homestead on the property;

(ii) Operates a mid-modern, country resort with twenty (20) bedrooms and twenty-eight (28) beds, a marina with seventy (70) boat slips, and a

restaurant with indoor and outdoor seating for approximately one hundred sixty (160) patrons;

(iii) Serves as an event venue for weddings, parties, music, fishing competitions, reunions, and other similar local events;

(iv) Offers boat rentals, kayak rentals, and venue rentals;

(v) Offers access to and views of Douglas Lake and the Great Smoky Mountains; and

(vi) Is located in a county with a population of not less than fifty-four thousand six hundred (54,600) and not more than fifty-four thousand seven hundred (54,700), according to the 2020 federal census or a subsequent federal census;

SECTION 14. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Was established in 2005 and is situated on approximately thirty-seven (37) acres;

(ii) Operates an outside bar, at least four (4) restaurants, a theater, exercise facilities, senior living facilities, and an outdoor central park;

(iii) Contains approximately nine thousand square feet (9,000 sq. ft.) and seating for over two hundred fifty (250) patrons; and

(iv) Is located in a municipality with a population of not less than fifty-one thousand three hundred twenty (51,320) and not more than fifty-one thousand three hundred thirty (51,330), according to the 2020 federal census or a subsequent federal census;

SECTION 15. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

( ) "Community theater" also means a facility that:

(1) Is a community theater in a historic building that has been in continuous operation since 2007, and that contains approximately one thousand six hundred square feet (1,600 sq. ft.) and seating for approximately two hundred (200) patrons;

(2) Is situated on approximately twelve one hundredths (.12) of an acre;

(3) Offers concessions to patrons and operates a bar for theater use;

(4) Is a mixed-use facility that serves as an event venue for musicals, performances, weddings, dance recitals, dramas, and live music;

(5) Is a venue for community events, including instruction in art, music, dance, and theatre;

(6) Has located on its 2nd floor this state's oldest opera house, Antoinette Hall, which is under restoration as of the effective date of this act; and

(7) Is located in a municipality with a population of not less than eight thousand three hundred ninety (8,390) and not more than eight thousand three hundred ninety-nine (8,399), according to the 2020 federal census or a subsequent federal census;

SECTION 16. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following language as a new subdivision:

( )

(i) A commercially operated facility that:

(a) Is located in a county having a metropolitan form of government and a population of greater than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;

(b) Contains two (2) office towers with a shared parking garage and with one (1) such tower containing twenty (20) floors, including a reception area, office spaces, work stations, conference rooms, an

expressions studio, a listening room, locker rooms and showers, and a business center for employees of a corporation;

(c) Is located at the corner of 10th Avenue North and Church Street;

(d) Contains a café located on the 5th floor and offers different food station options of prepared food on such floor, and contains a lounge area located on the 20th floor that offers prepared food; and

(e) Is open to employees of a corporation or guests of such employees;

(ii) The premises of a facility licensed under this subdivision (28)( ) means any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing;

(iii) Notwithstanding chapter 5 of this title to the contrary, the premises of a facility described under this subdivision (28)( ) means, for the purpose of obtaining a beer permit, any and all of the property that constitutes the facility, including all enclosed and outdoor areas of the property. The beer permittee shall designate the premises to be licensed by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing; and

(iv) Any facility licensed under this subdivision (28)( ) may hold any of the licenses authorized under this subdivision (28)( ) and may grant a franchise to one (1) or more entities for any or all such licenses to sell or give away alcoholic beverages and beer. A facility licensed under this subdivision (28)( ) is not required to be open to the public and does not discriminate against a patron on the basis of gender, race, religion, or national origin;

SECTION 17. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Is located within a designated area situated on at least fifteen (15) acres;

(b) Upon the completion of construction, which may occur in phases, contains a live performance venue with capacity for at least two thousand (2,000) persons, a mixed commercial and residential use development, at least two (2) hotels, and mixed-use commercial buildings that include retail shopping, restaurants, and bars, some of which may be operated by independent licensees, and indoor and outdoor dining options, including open plaza areas for dining and recreational opportunities;

(c) Contains a hotel that is located adjacent to train tracks and that formerly operated as a train terminal;

(d) Contains at least five (5) points of sale that regularly prepare and sell food, alcoholic beverages, or beer;

(e) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census;

(f) Does not extend beyond one thousand seven hundred sixty feet (1,760') of the geographic center of such designated area; and

(g) May contain areas that are separated by streets or other public or private rights of way;

(ii) Facilities and individual licensees located within such designated area, hereinafter the "primary premises," and licensed under this subdivision (28)( ):

(a) May be either open to the public or only to members and authorized guests; and

(b) Notwithstanding § 57-4-101(p):

(1) May include in its licensed primary premises, solely for purposes of on-premises consumption of alcoholic beverages, unless otherwise provided for herein, any or all of the property that constitutes the primary premises and may include other separately licensed premises located within the boundary of the primary premises. Such premises are not required to be contiguous. Barriers controlling the ingress and egress to the primary premises or other such premises are not required as long as adequate security or other measures sufficient to prevent customers from leaving such primary and other premises with alcoholic beverages is used and maintained; and

(2) Are not required to use labeled cups and glassware, but must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p), which shall include affixing a sticker to the alcoholic beverage or beer container in lieu of serving the beverage in labeled cup or glassware; provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);



(iii) Licensees located within the primary premises shall submit a diagram to the commission which details that portion of the primary premises where the licensee intends to serve alcoholic beverages;

(iv) The primary licensee and each licensee licensed under this subdivision ( ) may:

(a) Serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) and an alcohol content that does not exceed fifteen percent (15%) by volume, for on-premises consumption; and

(b) Offer food items for sale and seating for its customers, but are not required to do so;

(v) Facilities and individual licensees located within the primary premises, irrespective of whether or not licensed under this subdivision ( ), may apply for and obtain a catering license pursuant to subdivision (6) for purposes of selling alcoholic beverages at special events within the primary premises; provided, that such facility shall comply with all requirements to obtain such catering license, except the requirement to have a complete and adequate commercial kitchen facility pursuant to subdivision (6)(B). The licensed premises of a catered event held by such a licensed caterer may include the entire primary premises or a portion thereof designated with the commission;

(vi) A licensee located within the primary premises may prohibit from the exclusive portion of its premises food, beer, or alcoholic beverages which were not purchased from the licensee;

(vii) This subdivision (28)( ) must not be construed to prohibit a person or entity located within the primary premises from obtaining another license

under this title 57 that the person or entity is otherwise eligible to obtain pursuant to law;

(viii) Each individual facility on the primary premises is independently liable for violations committed by such facility, and a separate facility must not be held liable for the actions of another facility;

(ix) Notwithstanding chapter 5 of this title to the contrary, and subject to the terms of this subdivision (28)( ), the premises of a facility licensed under this subdivision (28)( ) mean for beer permitting purposes any or all of the premises that constitutes the primary premises. The terms of this subdivision (28)( ) that apply to licensees for purposes of consuming alcoholic beverages on the premises also apply to beer permittees; and

(x) A facility licensed under this subdivision (28)( ) may hold any of the licenses authorized under this subdivision (28)( ) and a beer permit, or may grant a franchise to one (1) or more entities for any or all such licenses or beer permits. The licensee for the primary premises, or franchisor, or any of its franchisees licensed under this subdivision (28)( ), or a separate licensee located within the primary premises, may store beer and alcoholic beverages in one (1) or more central storage locations within the primary premises; provided, that each separate licensee's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. The facility may also contract with a third party for the management of all of the facility's food and beverage operations and service, or for a portion of the facility's food and beverage operations and service;

SECTION 18. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Is located within a designated area situated on at least ten (10) acres;

(b) Includes a group of historic brick buildings constructed in 1929 and originally used to manufacture and assemble wood-burning stoves, among other items;

(c) Is included or has been included on the national register of historic places as a national historic landmark;

(d) Includes on its property a water tower originally constructed in 1929 or 1930, standing one hundred ten feet (110') tall, which has been listed on the national register of historic places;

(e) Upon the completion of construction, which may occur in phases, offers dining and retail shopping experiences, including bars and restaurants with indoor and outdoor dining opportunities, a live performance venue, a private event banquet space, and at least five (5) points of sale that regularly prepare and sell food, alcoholic beverages, or beer; that may be contiguous or noncontiguous; and that may or may not be operated by independent licensees that offer for sale food, alcoholic beverages, or beer;

(f) Is located in the county seat of a county having a population of not less than two hundred forty-seven thousand seven hundred (247,700) and not more than two hundred forty-seven thousand eight hundred (247,800), according to the 2020 federal census or a subsequent federal census;

(g) Does not extend beyond one thousand seven hundred sixty feet (1760') of the geographic center of such designated area; and

(h) May contain areas that are separated by sidewalks or other public or private rights-of-way;

(ii) A facility and individual licensees located within such designated area, hereinafter the "primary premises," and licensed under this subdivision (28)( ):

(a) May offer food items for sale and seating for its customers but are not required to do so; and

(b) Notwithstanding § 57-4-101(p):

(1) May include within its licensed premises, solely for purposes of on-premises consumption of alcoholic beverages, unless otherwise provided for herein, any or all of the property that constitutes the entirety of the facility and may include other separately licensed premises located within the boundary of the facility. Such premises are not required to be contiguous.

Barriers controlling the ingress and egress of the facility or such premises are not required as long as adequate security or other measures sufficient to prevent customers from leaving such facility and premises with alcoholic beverages are used and maintained; and

(2) Is not required to use labeled cups and glassware, but must serve alcoholic beverages and beer in compliance with the requirements of § 57-4-101(p), which includes affixing a sticker to the alcoholic beverage or beer container in lieu of serving the beverage in a labeled cup or glassware; provided, that a sticker identifying the franchisee or licensee, which is reasonably designed to stay affixed to a container, must comply with § 57-4-101(p);

(iii) Licensees located within a facility shall submit a diagram to the commission which details any portion of the facility where the licensee intends to serve alcoholic beverages;

(iv) A facility licensed under this subdivision (28)( ) may:

(a) Serve wine, high gravity beer, and beer in its original container, and spirit-based beverages in original containers that do not exceed three hundred seventy-five milliliters (375 ml) with an alcohol content that does not exceed fifteen percent (15%) by volume, for on-premises consumption; and

(b) Be either open to the public or only to members and authorized guests;

(v) A facility located within the primary premises, irrespective of whether or not licensed under this subdivision (28)( ), may apply for and obtain a catering license pursuant to subdivision (6) for purposes of selling alcoholic beverages at special events within the facility; provided, that such facility shall comply with all requirements to obtain such catering license, except the requirement to have a complete and adequate commercial kitchen facility pursuant to subdivision (6)(B). The licensed premises of a catered event held by such a licensed caterer may include the entire primary premises or any portion thereof specified to the commission;

(vi) A licensee located within the primary premises may prohibit from the exclusive portion of its premises food, beer, or alcoholic beverages that were not purchased from the licensee;

(vii) This subdivision (28)( ) must not be construed to prohibit a person or entity located within the primary premises from obtaining another license under this title that the person or entity is otherwise eligible to obtain pursuant to law;

(viii) Each individual licensee on the facility premises is independently liable for violations committed by such licensee, and a separate licensee must not be held liable for the actions of another licensee;

(ix) Notwithstanding chapter 5 of this title to the contrary, and subject to the terms of this subdivision (28)( ), the premises of a licensee licensed under this subdivision (28)( ) means for beer permitting purposes any or all of the premises that constitutes the facility. Any and all terms of this subdivision (28)( ) that apply to alcoholic beverage licensees also apply to beer permittees; and

(x) A licensee licensed under this subdivision (28)( ) may hold any of the licenses authorized under this subdivision (28)( ) and a beer permit, or may grant a franchise to one (1) or more entities for any or all such licenses or beer permits. The facility may also contract with a third party for the management of all of the facility's food and beverage operations and service, or for a portion of the facility's food and beverage operations and service;

SECTION 19. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Is located in a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census;

(b) Was built in 1945;

(c) Once housed a furniture store;

(d) Serves as a venue for live music, which may include broadcasts of radio and television programming, dancing, banquets, meetings, and other events; and

(e) Has four (4) floors, at least fifty thousand square feet (50,000 sq. ft.), and a capacity for at least one thousand (1,000) guests;

(ii) A facility licensed under this subdivision (28)( ) is not required to meet a gross revenue percentage requirement for food service as a prerequisite

to the issuance of a license to serve liquor-by-the-drink; provided, however, that a facility applying for the renewal of its license under this subdivision (28)( ) shall pay the appropriate license fee due under § 57-4-301(b)(1)(W) when the gross revenue from the previous year derived from food sales is fifty percent (50%) or less than the gross revenue from the sale of alcoholic beverages;

(iii) The premises of any facility licensed under this subdivision (28)( ) means any or all of the property that constitutes the facility. The licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by the licensee filing a new drawing. The entire designated premises may be covered under one (1) license issued under this subdivision (28)( );

(iv) Notwithstanding chapter 5 of this title to the contrary, the premises of any facility licensed under this subdivision (28)( ) means, for beer permitting purposes, any or all of the property that constitutes the facility. The beer permittee shall designate the premises to be permitted by the local beer board by filing a drawing of the premises, which may be amended by the beer permittee filing a new drawing. The entire designated premises may be covered under one (1) beer permit issued under chapter 5 of this title;

(v) A facility licensed under this subdivision (28)( ) may seek an additional license as a caterer under subdivision (6); and

(vi) A facility licensed under this subdivision (28)( ) may hold any of the licenses authorized under this chapter and may grant a franchise to one (1) or more entities for any or all such licenses;

SECTION 20. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

- (i) Was established in 1981 and is situated on approximately sixty (60) acres;
- (ii) Operates at least four (4) restaurants that serve breakfast, lunch, and dinner; a theater; exercise facilities; senior living; and an outdoor central park;
- (iii) Provides seating for at least four hundred twenty (420) patrons; and
- (iv) Is located approximately one-quarter (1/4) of a mile from the northwest corner of Winchester Road and Kirby Parkway in a municipality with a population of not less than six hundred thirty-three thousand one hundred (633,100) and not more than six hundred thirty-three thousand two hundred (633,200), according to the 2020 federal census or a subsequent federal census;

SECTION 21. Tennessee Code Annotated, Section 57-4-102(13), is amended by adding the following new subdivision:

- ( ) "Community theater" also includes a theater that:
  - (i) Has been in operation for not less than four (4) years;
  - (ii) Has a single auditorium with seating for approximately seventy-five (75) to one hundred (100) patrons;
  - (iii) Is located in a building that is over one hundred (100) years old;
  - (iv) Serves as a venue for concerts, plays, and cultural, civic, and educational programs; and
  - (v) Is located in a municipality with a population of not less than one hundred ninety thousand seven hundred (190,700) and not more than one hundred ninety thousand eight hundred (190,800), according to the 2020 federal census or a subsequent federal census;

SECTION 22. Tennessee Code Annotated, Section 57-4-102(28)(WWWWWWW), is amended by deleting the subdivision and substituting instead:

(WWWWWWW) A commercially operated facility that:



(i) Was established in 2022 on at least one hundred eleven (111) acres with a house representative of Italianate architecture that is on the national register of historic places and barns that were built in the 1860s;

(ii) Contains a terrace, a conservatory, and an event barn;

(iii) Is used for private corporate events, political fundraisers, weddings, concerts, and other events; and

(iv) Is located on a scenic highway in a county having a population of not less than seventy-two thousand eight hundred (72,800) and not more than seventy-two thousand nine hundred (72,900), according to the 2020 federal census or a subsequent federal census;

SECTION 23. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Is a multipurpose facility established in 2003 and situated on approximately ninety-two (92) acres;

(ii) Maintains 501(c)(3) status and is operated year-round by the board of directors of the TriState Exhibition Center;

(iii) Serves as a venue for horse shows and equine activities, livestock shows, family and community events and programs, instructional events and clinics, concerts, and organizational meetings;

(iv) Operates an arena of approximately sixty thousand square feet (60,000 sq. ft.); a covered warm up arena of approximately forty thousand square feet (40,000 sq. ft.); three hundred eighty (380) stalls; an agricultural education building; and fifty (50) RV hookup sites; and

(v) Is located in a county with not less than one hundred eight thousand six hundred (108,600) and not more than one hundred eight thousand seven

hundred (108,700), according to the 2020 federal census or a subsequent federal census;

SECTION 24. Tennessee Code Annotated, Section 57-4-102(40), is amended by adding the following as a new subdivision:

( ) "Urban park center" also means a facility having the following characteristics:

(i) Was built on the site of a historic railroad station that was originally constructed in 1909 in a county having a population of not less than three hundred sixty-six thousand two hundred (366,200) and not more than three hundred sixty-six thousand three hundred (366,300), according to the 2020 or a subsequent federal census;

(ii) Contains twenty-thousand square feet (20,000 sq. ft.) with a total capacity for over one thousand eight hundred (1,800) patrons; and

(iii) Holds concerts, corporate events, weddings, fundraisers, and similar events;

SECTION 25. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( )

(i) A commercially operated facility that:

(a) Is a public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, with one (1) or more adequate and sanitary kitchens, dining room equipment, and a seating capacity for at least two hundred fifty (250) patrons at tables, counters, and other places for dining, and having a sufficient number and kind of persons to prepare, cook, and serve suitable food for guests;

(b) Is located within four hundred feet (400') of a public park adjacent to a navigable waterway, and no closer than four hundred feet

(400') from, but within five hundred feet (500') of, a railway station providing commuter rail service using standard gauge locomotives and coaches;

(c) Is located less than one hundred feet (100') from a historic saloon built before 1900 and named after a silver dollar coin;

(d) Serves as a venue for live music, dancing, banquets, meetings, meals, and other events;

(e) Has at least five (5) floors, at least nineteen thousand square feet (19,000 sq. ft.) and was constructed in 1900; and

(f) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;

(ii) As used in this subdivision (28)( ), "prime licensee" means the licensee under this subdivision (28)( ) that has the right to serve alcohol in at least one-half (1/2) of the building. The prime licensee does not have to sell food;

(iii) One (1) or more licensed entities may operate within the facility, and the premises may overlap; provided, that each licensee shall designate the premises to be licensed by the commission by filing a drawing of the premises, which may be amended by each licensee filing a new drawing and without a new application;

(iv) A licensee under this subdivision (28)( ) may store beer and alcoholic beverages in one (1) or more central storage locations in the facility; provided, that if the licensees share the same storage area, each licensee's inventory of beer and alcoholic beverages must be stored in a separately locked cage or other storage area. Notwithstanding this chapter to the contrary, a licensee may transport beer and alcoholic beverages anywhere in the facility;

(v) An employee of a licensee licensed under this subdivision (28)( ) may serve alcoholic beverages for another licensee within the facility; provided, that the licensee selling the alcoholic beverages is exclusively liable for a violation of this chapter;

(vi) The prime licensee licensed under this subdivision (28)( ) may also serve wine, high gravity beer, beer in its original container, and spirit-based beverages in an original container that does not exceed three hundred seventy-five milliliters (375 ml) and alcohol content that does not exceed fifteen percent (15%) by volume. All other licensees shall use labeled cups and glassware, or place stickers identifying the licensee, which are reasonably designed to stay affixed to a container;

(vii) A facility licensed under this subdivision (28)( ) may operate under one (1) or more business names under the same license within the facility;

(viii) A facility licensed under this subdivision (28)( ) may grant franchises for the operation of a restaurant in the facility and such franchisees are deemed to be licensees under this subdivision (28)( );

(ix) A facility licensed under this subdivision (28)( ) may seek an additional license as a caterer under § 57-4-102(6). Notwithstanding this chapter to the contrary, the prime licensee licensed under this subdivision (28)( ) shall have exclusive or non-exclusive rights to a commercial kitchen facility to qualify as a caterer under § 57-4-102(6), and the prime licensee may serve food prepared by the prime licensee or food prepared by one (1) or more other licensed entities in the facility for events catered by the prime licensee; and

(x) Notwithstanding chapter 5 of this title to the contrary, the prime licensee licensed under this subdivision (28)( ) does not have to sell food to be permitted for the on-premise sale of beer. One (1) or more permitted entities may operate within the facility, and the premises may overlap; provided, that

each permittee shall designate the premises to be licensed by the beer board by filing a drawing of the premises, which may be amended by each permittee filing a new drawing and without a new application;

SECTION 26. Tennessee Code Annotated, Section 57-4-301(b)(3), is amended by deleting "under § 57-4-102(40)(G)-(K)" and substituting instead "under § 57-4-102(40)(G)-(K) and SECTION 24".

SECTION 27. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( )

(i) A commercially operated facility that:

(a) Has one (1) or more structures having thirty (30) or more residential dwelling units;

(b) Is located in a special historic district; and

(c) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census;

(ii) A facility licensed under this subdivision (28)( ) is not required to prepare or serve food or have a kitchen or dining room;

(iii) The licensed premises may include exterior patios, gardens, lawns, swimming pools, and other recreation and entertainment areas throughout the facility; and

(iv) The facility may be open to the public or may limit admission to residents and their guests of the facility;

SECTION 28. Tennessee Code Annotated, Section 57-4-102(31), is amended by adding the following new subdivision:

( )

(i) "Restaurant" also means a commercially operated facility that is located within a special historic district, as defined in § 57-4-102(33)(B); and

(ii) A restaurant licensed under this subdivision (31)( ) may grant a franchise for the operation of a restaurant in the facility and such franchisees are deemed to be licensees under this subdivision (31)( ). A franchisee may also seek a license as a caterer under § 57-4-102(6);

SECTION 29. Tennessee Code Annotated, Section 57-4-102(33), is amended by designating the existing subdivision as subdivision (33)(A) and by adding the following new subdivision (33)(B):

(B)

(i) "Special historic district" also means an area with specific boundaries that possesses the following characteristics:

(a) Is a contiguous area of lots intersected by a standard gauge commercial railway that consists of:

(1) Lots located north of Merrit Avenue, bounded by Pillow Street to the east and Martin Street to the west, and Chestnut Street and a standard gauge commercial railway to the north;

(2) Lots north of Chestnut Street, bounded by a standard gauge commercial railway to the east and a commercial train railyard to the northwest and north;

(3) Lots north of Chestnut Street, bounded by Fourth Avenue South to the east, a standard gauge commercial railway to the west, and the oldest continuously operating public cemetery in the largest city in the county to the north; and

(4) A lot located east of Pillow Street, bounded by Alley 189 to the south, Alley 1820 to the east, and a standard gauge commercial railway to the north; and

(b) Is located in a county with a metropolitan form of government having a population of not less than six hundred thousand (600,000), according to the 2020 federal census or a subsequent federal census; and

(ii) The parent company that owns the property within the special historic district shall designate the premises of the special historic district by filing a drawing of the premises with the commission, which may be amended from time to time by the parent company filing a new drawing with the commission;

SECTION 30. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Was established in 2014 and is situated on approximately ninety-four one hundredths (0.94) of an acre;

(ii) Operates a bed and breakfast, coffee shop, restaurant, and two (2) tiny houses within one and one-half (1.5) miles of the north entrance to Fall Creek Falls State Park;

(iii) Serves as an event venue for weddings, graduations, reunions, conferences, parties, and similar events;

(iv) Hosts an annual goat yoga retreat;

(v) Serves as the largest venue in close proximity to one of the most-visited state parks in this state, with more than one million (1,000,000) visitors per year; and

(vi) Is located in a county with a population of not less than six thousand one hundred (6,100) and not more than six thousand two hundred (6,200), according to the 2020 federal census or a subsequent federal census;

SECTION 31. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( ) A commercially operated restaurant that:

(i) Was established in 2006 and contains a restaurant and store;

(ii) Is located in a historic building built more than fifty (50) years ago that contains at least one thousand two hundred square feet (1,200 sq. ft.);

(iii) Hosts events for birthday parties and church groups; and

(iv) Is located less than one hundred feet (100') from the intersection of state highway 107 and Blue Mill Road in a county having a population of not less than thirty-five thousand nine hundred (35,900) and not more than thirty-six thousand (36,000), according to the 2020 or a subsequent federal census;

SECTION 32. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following as a new subdivision:

( ) A commercially operated restaurant that:

(i) Was established in 2022 on at least one (1) acre in a building constructed in 1970 and specializes in pizza;

(ii) Contains at least two thousand five hundred square feet (2,500 sq. ft.) and has indoor and outdoor covered seating for at least forty (40) patrons; and

(iii) Is located less than one hundred feet (100') from the intersection of State Highway 107 and Blue Mill Road in a county having a population of not less than thirty-five thousand nine hundred (35,900) and not more than thirty-six thousand (36,000), according to the 2020 or a subsequent federal census;

SECTION 33. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

( ) "Corporation," unless the context otherwise requires, includes an incorporated city that is the county seat of a tourist resort county, as that term is defined in § 42-1-301, only for the purposes of obtaining a license permitting consumption of alcoholic beverages on the premises or obtaining a beer permit;



SECTION 34. Tennessee Code Annotated, Section 57-4-102(28), is amended by adding the following new subdivision:

(i) A municipality that:

(a) Is the county seat of a tourist resort county, as defined in § 42-1-301;

(b) Owns and operates a thirty-six-hole golf course at which at least forty-five thousand (45,000) rounds are played each year; and

(c) Owns and operates a restaurant;

(ii) The premises of a municipality designated under this subdivision (28)( ) means, for purposes of consumption of alcoholic beverages on the premises, those facilities identified under subdivisions (28)( )(i)(b) and (c). The entire designated premises is covered under one (1) license issued under this subdivision (28)( ); and

(iii) Notwithstanding chapter 5 of this title to the contrary, a municipality licensed under this subdivision (28)( ) may obtain a beer permit. The premises of a municipality licensed under this subdivision (28)( ) means, for beer permitting purposes, those facilities identified under subdivisions (28)( )(i)(b) and (c). The entire designated premises is covered under one (1) beer permit issued under chapter 5 of this title;

SECTION 35. This act takes effect upon becoming a law, the public welfare requiring it.



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## **House Finance, Ways, and Means Subcommittee**

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### **Amendment Packet**

March 21, 2023

106 3/22

Amendment No. \_\_\_\_\_

*Willie L. Miller*

Signature of Sponsor

|                   |
|-------------------|
| <b>FILED</b>      |
| Date _____        |
| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 276\***

**House Bill No. 324**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by adding the following as a new section:

(a) In addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay for a period of time equal to twelve (12) workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption, and upon the employee giving thirty-days' notice to the appropriate appointing authority. If the eligible employee learns of the birth or adoption less than thirty (30) days in advance, the employee shall give the notice as soon as reasonably possible. For the purpose of calculating service anniversary dates, this absence from work is considered full-time employment.

(b) Leave used by an eligible employee pursuant to this section must not be charged to sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and § 4-21-408.

(d) An eligible employee must not be granted more than twelve (12) workweeks of paid leave under subsection (a) during a twelve-month period, but the workweeks do not need to be taken consecutively. An eligible employee may receive no more than twelve (12) workweeks of paid leave during a twelve-month period, even if there is more



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than one (1) qualifying birth or adoption under subsection (a). Leave granted pursuant to this section must be used within twelve (12) months of the qualifying birth or adoption.

(e) As used in this section, "eligible employee" means:

(1) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a), § 8-30-102(b)(2), § 8-30-102(b)(6)-(7), and § 8-30-102(b)(10)-(13); or

(2) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(b)(9), except for an employee of any administrative board or commission that is attached to an entity described in § 8-30-102(b)(1) or § 8-30-102(b)(3)-(5).

(f) The department of human resources shall establish policies for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish policies for implementing this section.

(g) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary.

(h) If an eligible employee experienced a birth or adoption under subsection (a) prior to the effective date of this act and has not used all of the federal Family and Medical Leave Act leave to which the employee was entitled as a result of the birth or adoption, then the employee is entitled to leave under this section beginning on the effective date of this act for the remainder of the federal Family and Medical Leave Act leave that the employee uses on or after the effective date of this act as a result of the event in subsection (a). The duration of paid leave must not exceed the paid leave available under subsection (d).

SECTION 2. Tennessee Code Annotated, Section 8-50-801(b)(1), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has less than five (5) years of full-time service and was not in the active employment of the state of Tennessee on July 1, 1969, accrues annual leave at the rate of one (1) day for each month of service or major fraction thereof, and may accumulate a maximum of thirty (30) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has less than (5) years of full-time service and was not in the active employment of the state of Tennessee on July 1, 1969, accrues annual leave at the rate of twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee, and may accumulate a maximum of thirty (30) work days;

SECTION 3. Tennessee Code Annotated, Section 8-50-801(b)(2), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 8-50-801(b)(3), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has five (5) years and less than ten (10) years of full-time service accrues annual leave at the rate of one and one-half (1 1/2) days for each month of service or major fraction thereof, and may accumulate a maximum of thirty-six (36) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1), who has five (5) years and less than ten (10) years of full-time service accrues annual leave at the rate of eighteen (18) days per year on each service anniversary date for the employee, and may accumulate a maximum of thirty-six (36) days;

SECTION 5. Tennessee Code Annotated, Section 8-50-801(b)(4), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has ten (10) years and less than twenty (20) years of full-time service accrues annual leave at the rate of

one and three-quarters (1 3/4) days for each month of service or major fraction thereof, and may accumulate a maximum of thirty-nine (39) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has ten (10) years and less than twenty (20) years of full-time service accrues annual leave at the rate of twenty-one (21) days per year on each service anniversary date for the employee, and may accumulate a maximum of thirty-nine (39) work days; and

SECTION 6. Tennessee Code Annotated, Section 8-50-801(b)(5), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has twenty (20) years or more of full-time service accrues annual leave at the rate of two (2) days for each month of service or major fraction thereof, and may accumulate a maximum of forty-two (42) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has twenty (20) years or more of full-time service accrues annual leave at the rate of twenty-four (24) days per year on each service anniversary date for the employee, and may accumulate a maximum of forty-two (42) work days.

SECTION 7. Tennessee Code Annotated, Section 8-50-801, is amended by deleting subsections (c) and (d) and substituting:

(c)

(1) Annual leave requested by an employee is subject to supervisory approval.

(2) For purposes of subdivisions (b)(1)-(5), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee, as applicable.

(d) For individuals holding full-time positions in the department of education that require three (3) years' experience as a certified professional employee in the Tennessee public school system, prior teaching or administrative experience in

Tennessee public schools is creditable for purposes of subdivisions (b)(1)-(5), not to exceed three (3) years.

SECTION 8. Tennessee Code Annotated, Section 8-50-802(a)(1), is amended by deleting the subdivision and substituting:

(1) Sick leave may be granted:

(A) To each officer and employee described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an hourly, daily, monthly, or piecework basis, at the rate of one (1) day for each month of service or major fraction thereof, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources; and

(B) To each officer and employee other than as described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an hourly, daily, monthly, or piecework basis, at the rate of twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources. For purposes of this subdivision (a)(1)(B), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee.

SECTION 9. Tennessee Code Annotated, Section 8-50-807(a), is amended by deleting the subsection and substituting:

(a)

(1) Each officer and employee entitled to annual leave by this part must be compensated upon termination for the officer's or employee's unused accrued annual leave, based upon the number of months the employee worked beyond the officer's or employee's service anniversary date.

(2) If the termination date is prior to the service anniversary date, the officer or employee's final paycheck must be reduced to account for the number of annual days used that exceed the number of months in which the employee worked.

(3) If the separated employee is rehired by the state within one (1) year of the date of separation, the state shall reinstate any accrued, unused annual leave from the previous period of employment for which the employee was not compensated at separation.

SECTION 10. Tennessee Code Annotated, Section 8-27-104, is amended by deleting the section and substituting:

For the purposes of parts 1, 2, 3, and 7 of this chapter, "voluntary benefits" means those benefits the committees deem necessary and reasonable to afford coverage in addition to the basic health plan or plans, and any fully employer-paid benefits offered by the committees.

SECTION 11. Tennessee Code Annotated, Section 8-27-202(a)(2), is amended by deleting the language "A basic term life insurance benefit and basic accidental death and dismemberment benefit, with defined coverage amounts" and substituting "All benefits with defined coverage amounts fully".

SECTION 12. Tennessee Code Annotated, Section 8-27-202(a)(3), is amended by deleting the language "These benefits include optional life insurance coverage in excess of that offered under subdivision (a)(2). The state insurance committee may provide for voluntary benefits as part of the basic health plans or as separate plans."

SECTION 13. Tennessee Code Annotated, Section 8-27-202(c), is amended by deleting the language ", term life, and accidental death and dismemberment" and substituting "and plans fully paid by the employer".

SECTION 14. Tennessee Code Annotated, Section 8-27-203(b) is amended by deleting the language "the basic term life insurance benefit and basic accidental death and



dismemberment benefit" and substituting "all fully employer-funded benefits and all partially employer funded voluntary benefits".

SECTION 15. Tennessee Code Annotated, Section 8-27-203(c), is amended by deleting the language "fully paid by the enrolled members. The additional costs for participating dependents shall be fully paid by the enrolled members" and substituting "paid in full or in part by the employee".

SECTION 16. Tennessee Code Annotated, Section 8-27-205(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may establish basic health plan benefits, and voluntary benefits, as the state insurance committee deems necessary and reasonable, for state employees, as defined in § 8-27-204(a)(1), who are retired, and may establish eligibility criteria for the benefits. The health benefit may be available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in another retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 17. Tennessee Code Annotated, Section 8-27-209(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may provide a supplemental medical insurance benefit as the state insurance committee deems necessary and reasonable for retired state employees, as defined in § 8-27-204(a)(1), who are covered by

Medicare benefits, and may establish eligibility criteria for the benefit. The supplemental medical insurance benefit may be made available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in any other retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 18. Tennessee Code Annotated, Section 8-27-209(b), is amended by deleting the language "supplemental medical insurance program for retirees" and substituting "supplemental medical insurance program for retired employees".

SECTION 19. Tennessee Code Annotated, Section 8-27-209, is amended by deleting subdivisions (c)(2) and (d)(2).

SECTION 20. Tennessee Code Annotated, Section 8-27-209(e), is amended by inserting the language "benefit" after "supplemental medical insurance".

SECTION 21. Tennessee Code Annotated, Section 8-27-209, is amended by adding the following as a new subsection:

(f) As used in this section:

(1) "Retiree" means:

(A) A former state employee, or employee of the University of Tennessee, or the state university and community college system, who is drawing an allowance through the Tennessee consolidated retirement system; and

(B) A former employee of the University of Tennessee, or the state university and community college system, who participates in the optional retirement system established in § 8-25-202, regardless of whether the former employee draws a monthly retirement allowance; and

(2) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

SECTION 22. Tennessee Code Annotated, Section 8-27-305(a), is amended by deleting the subsection and substituting:

(a) The local education insurance committee may establish basic health plans and voluntary benefits, as the local education committee deems necessary and reasonable, for retired local education employees. The benefits may be made available to all eligible retired local education employees; provided, that an eligible retired local education employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to be able to also participate in the health benefits authorized by this section.

SECTION 23. Tennessee Code Annotated, Section 8-27-305(b), is amended by deleting the language "retired teachers" and substituting "the benefits authorized in subsection (a)".

SECTION 24. Tennessee Code Annotated, Title 8, Chapter 27, Part 3, is amended by adding the following as a new section:

(a) Subject to the approval of the state insurance committee as created in § 8-27-201 and the local education insurance committee, all retired local education employees participating in the Tennessee consolidated retirement system may participate in the supplemental medical insurance program established in § 8-27-209;

provided, that retired employees are covered by Medicare benefits and are also drawing a monthly retirement allowance from the Tennessee consolidated retirement system.

(b) If, pursuant to a contract for insurance coverage authorized by this section, the provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, the amounts must be used only for the supplemental medical insurance program for retired employees. The returns or refunds must not be used to reduce the amount of state funding that would otherwise be required under subsection (c).

(c)

(1) From the appropriations made in the general appropriations act each year for that purpose, the state insurance committee may pay an amount on behalf of each participating retiree toward the cost of supplemental medical insurance provided pursuant to this section at the same level and on the same terms that are established by the state insurance committee pursuant to § 8-27-209(d).

(2) As used in this subsection (c):

(A) "Retiree" means a former teacher employed by a local education agency who is drawing a monthly retirement allowance from the Tennessee consolidated retirement system, and does not include other former local education employees; and

(B) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

(d) Except as provided in subsection (c), the state insurance committee shall not pay an amount toward the costs of supplemental medical insurance provided pursuant to this section.

(e) Former local education employees, other than those specified in subsection (c), who elect to participate in the program shall pay the total cost of such coverage. The chief governing body of a local education employer may pass a resolution to make contributions toward the expense of such coverages; provided, that the amount, terms, and conditions of contributions must be, at all times, the same as that established by the state insurance committee pursuant to § 8-27-209(d). As used in this subsection (e), for determining the employer's contribution level, "years of service" means only those years of service rendered by the retired employee to the resolving employer and upon which the retired employee's monthly retirement allowance is based. The resolution to make contributions on behalf of retired employees must remain in effect until revoked by the chief governing body.

(f) The budget of an employer electing to make contributions must include an amount sufficient to pay contributions on behalf of its retired employees covered by the supplemental insurance program. The employer shall pay the contributions to the insurer in a manner directed by the state insurance committee.

(g) The supplemental medical insurance benefit authorized by this section is not available to a person otherwise qualified under subsection (a) whose initial employment with a participating local education agency or other qualifying employer commenced on or after July 1, 2015. The rights of election, transfer, and enrollment conferred by this section is not available to a person whose initial employment with a participating local education agency, the state, or other governmental agency qualifying the person for plan membership commenced on or after July 1, 2015.

SECTION 25. Tennessee Code Annotated, Section 8-27-705(a), is amended by deleting the subsection and substituting:

(a) The local government insurance committee may establish basic health plan benefits and voluntary benefits, as the local government insurance committee deems necessary and reasonable, for retired local government employees. The health benefits may be made available to all eligible retired local government employees; provided, that an eligible retired local government employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to receive the health benefits authorized by this section.

SECTION 26. Tennessee Code Annotated, Section 8-27-705(b), is amended by deleting the language "retirees" and substituting "the benefits authorized by subsection (a)".

SECTION 27. Tennessee Code Annotated, Section 8-27-706(a), is amended by deleting the language "8-27-201," and substituting "8-27-201 and the local government insurance committee,".

SECTION 28. This act takes effect July 1, 2023, the public welfare requiring it. Section 1 of this act applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023. Sections 2-9 of this act apply to each eligible employee who qualifies for leave under this act on or after January 1, 2024. Sections 10-16 of this act apply to health insurance plan years beginning on or after January 1, 2024.

Sub 3/22

Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 475\***

**House Bill No. 1362**

by deleting subsection (d) from SECTION 31 and substituting:

(d) An applicant for registration as a vendor shall pay a registration fee:

(1) For the first three-year period after registration, if the registration is approved, of one hundred fifty thousand dollars (\$150,000). Fifty thousand dollars (\$50,000) of the fee is due at registration, fifty thousand dollars (\$50,000) of the fee is due on the first anniversary of registration, and fifty thousand dollars (\$50,000) of the fee is due on the second anniversary of registration; and

(2) For the second or subsequent period of registration, a registration fee in an amount prescribed by rule of the council sufficient to defray the operating and administrative expenses incurred in administering and enforcing this chapter. The council shall promulgate rules to set the registration fee structure by July 1, 2023, and shall adjust the fee structure no more often than biennially.

**AND FURTHER AMEND** by deleting SECTION 42 and substituting instead the following:

SECTION 42. Tennessee Code Annotated, Section 4-49-117(b), is amended by deleting subdivisions (b)(10) and (11) and substituting:

(10) A nonrefundable application fee in the amount of fifty thousand dollars (\$50,000), and an initial license fee to process the application and for the first year of licensure, if the application is approved, of seven hundred fifty thousand dollars (\$750,000). Upon approval of the application, the application fee of fifty thousand dollars (\$50,000) must be applied to the initial license fee of seven hundred fifty thousand dollars (\$750,000);



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(11)

(A) Except as provided in subdivision (11)(B), for the second or subsequent year of licensure:

(i) Prior to June 30, 2025, for licensees receiving one hundred million dollars (\$100,000,000) or more in gross wagers in the immediately preceding twelve-month period, a license fee of seven hundred fifty thousand dollars (\$750,000); and

(ii) Prior to June 30, 2025, for licensees receiving less than one hundred million dollars (\$100,000,000) in gross wagers in the immediately preceding twelve-month period, a license fee of three hundred seventy-five thousand dollars (\$375,000); and

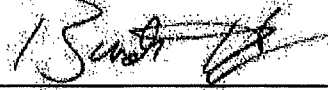
(B) The council shall promulgate rules effective July 1, 2025, to set license fees sufficient to defray the operating and administrative expenses incurred in administering and enforcing this chapter. The council shall adjust the fee structure by rule no more often than biennially; and

(12) Any additional information required by the council by rule.



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Amendment No. \_\_\_\_\_



Signature of Sponsor

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**AMEND Senate Bill No. 311\***

**House Bill No. 1481**

by deleting subsection (a) in the amendatory language of Section 1 and substituting instead the following:

(a) Notwithstanding another law to the contrary, gold and silver coinage are deemed legal tender, at their spot price, and may be receivable in payment of all debts, public or private, hereafter contracted in this state. Costs incurred in the course of verification of the weight and purity of any gold or silver coinage during any such transaction must be borne by the receiving entity.



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Amendment No. \_\_\_\_\_



Signature of Sponsor

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**AMEND Senate Bill No. 311\***

**House Bill No. 1481**

by deleting Sections 2-4 and renumbering the remaining section accordingly.



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Sub 3/22

Amendment No. \_\_\_\_\_

*Willie L. Miller*

Signature of Sponsor

**FILED**

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 270\***

**House Bill No. 318**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by deleting the language "ninety (90) days prior to or forty-five (45) days" and substituting "the duration of the pregnancy and ninety (90) days".

SECTION 2. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting the language "one (1) year" and substituting "two (2) years".

SECTION 3. Tennessee Code Annotated, Section 36-1-111(b)(1), is amended by deleting the language "in chambers" and inserting "A surrender made under this section may be made in chambers or over a virtual video platform on which the court sees the person or persons surrendering the child. The decision whether to conduct the surrender in chambers or over a virtual video platform is within the court's discretion." at the end of the subdivision.

SECTION 4. Tennessee Code Annotated, Section 36-1-111(b)(3), is amended by deleting the language "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights." and substituting "I know that I should only sign this form if I want my parental rights terminated. If I want to talk to my own lawyer before I sign this form, I should tell the Judge or other officiant now and this surrender process will stop. I can talk to my lawyer and then decide if I still want to end my parental rights. If I do not have my own lawyer, I understand that I am free to go obtain my own lawyer and this surrender process will stop until I have done so, or I may continue without my own lawyer at this time. The judge or other officiant



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has also advised me that once my child is born, I am still free to obtain my own lawyer, who I can consult with prior to and during any reaffirmation of this surrender which I may choose to make."

SECTION 5. Tennessee Code Annotated, Section 36-1-111(d)(2), is amended by deleting the subdivision and substituting:

(2) A surrender or parental consent may be made at any time prior to birth, but a surrender or parental consent made prior to the birth of a child shall not be filed with the clerk of court until after the birth of the child and until the surrendering party or parties have filed a written reaffirmation of their desire to surrender the child, unless the surrender was executed in accordance with subsection (g). At the time of taking a parental consent prior to the birth of the child, the judge shall explain to the consenting parent the legal effect of signing the document, the time limit for withdrawal of the consent, and the procedures for withdrawal of the consent. Any surrender or parental consent made prior to the birth of a child must be reaffirmed within three (3) calendar days of the birth of the child, except a surrender executed in accordance with subsection (g).

SECTION 6. Tennessee Code Annotated, Section 36-1-111(d)(3), is amended by deleting the language "that is made within three (3) calendar days subsequent to the date of the child's birth, such period to begin on the day following the child's birth" and substituting "unless made after the earlier of discharge from a hospital or other birthing facility or forty-eight (48) hours following the child's birth".

SECTION 7. Tennessee Code Annotated, Section 36-1-119(a), is amended by deleting the subsection and substituting:

(a) Unless the child is related to the petitioners, a final order of adoption shall not be entered before the home study has been filed with the court and before the petition has been on file at least six (6) months and before a final court report is filed with the court, except when the order is based upon a petition for re-adoption pursuant to § 36-1-

106; however, the court, considering the petition as a whole, may deem it in the best interest of the child to reduce the waiting period to three (3) months.

SECTION 8. Tennessee Code Annotated, Section 36-1-119(c), is amended by deleting the language "six (6) months" and substituting "three (3) months".

SECTION 9. Tennessee Code Annotated, Section 36-1-127(e), is amended by adding the following as a new subdivision:

(3) Notwithstanding § 36-1-149 or another law to the contrary, no identifying information from the sealed records, sealed adoption records, or post-adoption records may be released if the biological parent of the adopted person has executed a request for redaction of identifying information, and the adopted person was less than six (6) months old at the time the request was executed. Such request for redaction must be made on a form created by the department, and may only be rescinded by submission of a sworn, notarized statement requesting such rescission. The rescission is effective upon the department's acknowledgment of receipt of the rescission.

SECTION 10. Tennessee Code Annotated, Section 37-2-401, is amended by adding the following as a new subsection:

(d) The department of children's services shall strive to identify and finalize a safe, stable, and permanent home for children in the custody of the department.

SECTION 11. Tennessee Code Annotated, Section 37-2-405, is amended by adding the following as a new subdivision:

(5) A list of services available from other state programs or agencies.

SECTION 12. Tennessee Code Annotated, Section 37-2-415(a)(22), is amended by deleting the subdivision and substituting:

(22) The department shall permit the foster parent or parents a period of respite for up to six (6) months, free from placement of foster children in the family's home with follow-up contacts by the agency occurring at a minimum of every three (3) months,

without threat of reprisal. The foster parent or parents shall provide reasonable notice, as determined by the department, to the department for respite.

SECTION 13. This act takes effect on July 1, 2023, 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. 460\***

**House Bill No. 607**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

(a) Notwithstanding § 56-7-1018, a health insurance entity that offers health insurance coverage of complex rehabilitation technology (CRT) or manual wheelchairs shall not require a prior authorization for repairs of such technology or equipment unless:

- (1) The repairs are covered under a manufacturer's warranty;
- (2) The cost of the repairs exceeds the cost to replace the CRT or manual wheelchair; or
- (3) The CRT or manual wheelchair in need of repair is subject to replacement because the age of the CRT or manual wheelchair exceeds, or is within one (1) year of the expiration of, the recommended lifespan of the CRT or manual wheelchair.

(b) As used in this section:

- (1) "Complex rehabilitation technology" has the same meaning as defined in § 71-5-159;
- (2) "Health insurance coverage" has the same meaning as defined in § 56-7-109; and
- (3) "Health insurance entity" has the same meaning as defined in § 56-7-109.



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SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A managed care organization shall not require a participant in a TennCare program to obtain and submit a prior authorization for repairing complex rehabilitation technology (CRT) or manual wheelchairs unless:

- (1) The repairs are covered under a manufacturer's warranty;
- (2) The cost of the repairs exceeds the cost to replace the CRT or manual wheelchair; or
- (3) The CRT or manual wheelchair in need of repair is subject to replacement because the age of the CRT or manual wheelchair exceeds, or is within one (1) year of the expiration of, the recommended lifespan of the CRT or manual wheelchair.

(b) As used in this section:

- (1) "Complex rehabilitation technology" has the same meaning as defined in § 71-5-159; and
- (2) "Managed care organization" has the same meaning as defined in § 71-5-156.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts entered into, amended, or renewed on or after such date.



~~HB 125~~  
Sub 3/82

Amendment No. \_\_\_\_\_

*Tom Leatherwood*

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 469**

**House Bill No. 125\***

by deleting the language "§ 55-1-105" in the amendatory language of Section 1 and substituting instead the language "§ 55-1-105(e)".



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SUB 3/22

Amendment No. \_\_\_\_\_

*Willie Luther*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 275\***

**House Bill No. 323**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-709(4)(A)(ii), is amended by deleting the language "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 67-4-709(5)(A)(i), is amended by deleting the language "three-tenths of one percent (3/10 of 1%)" and substituting "one-tenth of one percent (1/10 of 1%)".

SECTION 3. Tennessee Code Annotated, Section 67-4-712(b)(2), is amended by deleting the subdivision and substituting:

(2) A person primarily engaged in the fabrication or processing of tangible personal property for resale and consumption off the premises with respect to the sales of such property made from the manufacturing location or from a storage or warehouse facility that is situated within a ten-mile radius of the manufacturing location;

SECTION 4. Tennessee Code Annotated, Section 67-4-712(d)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 5. Tennessee Code Annotated, Section 67-4-712(d)(2), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".



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SECTION 6. Tennessee Code Annotated, Section 67-4-712(d)(3), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 7. Tennessee Code Annotated, Section 67-4-717(b)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 8. Tennessee Code Annotated, Section 67-4-717(c)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 9. Tennessee Code Annotated, Section 67-4-723(b)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 10. Tennessee Code Annotated, Section 67-4-723(b)(4), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 11. Tennessee Code Annotated, Section 67-4-724(a)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 12. Tennessee Code Annotated, Section 67-4-724(b)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 13. Tennessee Code Annotated, Section 67-4-2006(a), is amended by adding the following as a new subdivision:

( ) For assets purchased on or after January 1, 2023, for purposes of computing "net earnings" or "net loss" under this subsection (a), Section 168 of the Internal Revenue Code of 1986 (26 U.S.C. § 168), as amended, shall be applied as it exists and applies under the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97.

SECTION 14. Tennessee Code Annotated, Section 67-4-2006(b)(1)(H), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 15. Tennessee Code Annotated, Section 67-4-2006(b)(1), is amended by adding the following as a new subdivision:

( ) For tax years ending on or after December 31, 2023, but before December 31, 2025, any amount deducted under subdivision (b)(2)(F) relating to the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S) and earned as a credit against the excise tax under § 67-4-2009;

SECTION 16. Tennessee Code Annotated, Section 67-4-2006(b)(2)(I), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 17. Tennessee Code Annotated, Section 67-4-2006(b)(2), is amended by adding the following as a new subdivision:

( ) An amount equal to the lesser of net earnings or fifty thousand dollars (\$50,000); provided, that this amount must not create or increase a net loss;

SECTION 18. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following as a new subdivision:

( )

(A) For tax years ending on or after December 31, 2023, but before December 31, 2025, there is allowed against the sum total of the taxes imposed by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, and by this part, a credit equal to the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S), as amended, as a result of compensation paid in this state during the tax period by the taxpayer as determined consistent with § 67-4-2012.

(B) The credit allowed pursuant to this subdivision ( ) taken on a franchise and excise tax return must not exceed fifty percent (50%) of the combined franchise and excise tax liability shown by the return before the credit is taken. A credit authorized under this subdivision ( ) that is unused may be carried forward in a tax period until the credit is taken; provided, however, that the credit may not be carried forward for more than fifteen (15) years.

SECTION 19. Tennessee Code Annotated, Section 67-4-2012(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election

must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 20. Tennessee Code Annotated, Section 67-4-2012(l), is amended by adding the following as a new subdivision:

( ) This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 21. Tennessee Code Annotated, Section 67-4-2012(m), is amended by adding the following as a new subdivision:

( ) This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 22. Tennessee Code Annotated, Section 67-4-2108(a)(1), is amended by deleting the subdivision and substituting:

(1) The measure of the tax levied by this part must not be less than the actual value of the real or tangible property owned or used in this state, excluding exempt inventory and exempt required capital investments; provided, that for tax years ending on or after December 31, 2024, the measure of the tax levied in this section applies to the actual value of the taxpayer's aggregate real or tangible property in excess of five hundred thousand dollars (\$500,000).

SECTION 23. Tennessee Code Annotated, Section 67-4-2111(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 24. Tennessee Code Annotated, Section 67-4-2111(l), is amended by adding the following as a new subdivision:

( ) This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 25. Tennessee Code Annotated, Section 67-4-2111(m), is amended by adding the following as a new subdivision:

( ) This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 26. Tennessee Code Annotated, Section 67-6-203, is amended by adding the following as a new subsection:

( ) A tax is levied at the rate of the tax levied on the sale of tangible personal property at retail by § 67-6-202 on the repairing of tangible personal property or computer software, the laundering or dry cleaning of tangible personal property, the installing of tangible personal property that remains tangible personal property after installation, and the installing of computer software, when such repair, cleaning, or installation occurs at a place of business outside this state and the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee within the physical limits of this state or to a carrier for delivery to a place inside the physical limits of this state for use or consumption in this state.

SECTION 27. Tennessee Code Annotated, Section 67-6-329(a)(6), is amended by deleting the subdivision.

SECTION 28. Tennessee Code Annotated, Section 67-6-344, is deleted.

SECTION 29. Tennessee Code Annotated, Section 67-6-393(j), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) There is exempt from the tax imposed by this chapter the retail sale of food and food ingredients, as defined in § 67-6-102, if sold between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023. This subdivision (j)(2) does not exempt sales from a micro market, as defined in § 67-6-102, or vending machine or device.

SECTION 30. Tennessee Code Annotated, Title 67, Chapter 6, Part 9, is amended by adding the following new sections:

**67-6-901.**

(a) Notwithstanding another law to the contrary, this part applies in determining whether a transaction is sourced to this state under this chapter. This part applies regardless of the characterization of a product as tangible personal property, a digital good, a service, or other taxable product and applies only to determine a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail



sale of a product. This part does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdiction of that use.

(b) This part does not impose tax on a transaction if that tax is prohibited by the United States Constitution or the Constitution of Tennessee.

(c) Florist retail sales where orders taken by a florist are sent to a receiving florist for delivery to the purchaser's designee must be sourced in accordance with rules promulgated by the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Sales made through a marketplace facilitator's marketplace must be sourced in accordance with § 67-6-902.

(e) Telecommunications services and ancillary services, as set out in § 67-6-905, must be sourced in accordance with that section.

**67-6-902.**

(a)

(1) For purposes of this subsection (a):

(A) "Location" does not include a location that merely provided the digital transfer of the product sold; and

(B) "Receive" or "receipt":

(i) Means:

(a) Taking possession of tangible personal property;

(b) Making first use of services; or

(c) Taking possession or making first use of digital products, whichever comes first; and

(ii) Does not include possession by a shipping company on behalf of the purchaser.

(2) The retail sale, excluding lease or rental, of a product from out of state into this state is sourced as follows:

(A) When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location;

(B) When the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee as designated by the purchaser occurs, including the location indicated by instructions for delivery to the purchaser or the purchaser's donee, known to the seller;

(C) When subdivisions (a)(2)(A) and (a)(2)(B) do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of that address does not constitute bad faith;

(D) When subdivisions (a)(2)(A) – (a)(2)(C) do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of that address does not constitute bad faith; and

(E) When subdivisions (a)(2)(A) – (a)(2)(D) do not apply, or in the circumstance in which the seller is without sufficient information to determine which sourcing requirement in this subdivision (a)(2) applies, then the location is determined by the address from which tangible personal property was shipped, from which the digital good or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided.

(b)

(1) For purposes of this subsection (b), "transportation equipment" means:

(A) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(B) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds (10,001 lbs.) or greater, trailers, semi-trailers, or passenger buses that are:

(i) Registered through the International Registration Plan;  
and

(ii) Operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(C) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; and

(D) Containers designed for use on and component parts attached or secured on the items set forth in subdivisions (b)(1)(A) – (b)(1)(C).

(2) The lease or rental of tangible personal property imported into this state is sourced as follows:

(A) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (a);

(B)

(i) Except as provided in subdivisions (b)(2)(C) and (b)(2)(D), for a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with subsection (a). Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment;

(ii) The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith; and

(iii) The property location must not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and services calls;

(C) For the lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment and watercraft with a displacement of under fifty (50) tons, that requires recurring periodic payments, the first and each subsequent periodic payment is sourced to the primary property location. The primary property location is determined in accordance with subdivision (b)(2)(B); and

(D) Notwithstanding the primary property location covered by a recurring periodic payment, the lease or rental of transportation equipment is sourced the same as a retail sale in accordance with subsection (a).

(3) This subsection (b) does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

**67-6-903.**

(a) The sale, including lease or rental, of a product made from a place of business within the physical limits of this state where delivery is made by the seller or lessor to a purchaser or lessee within the physical limits of this state, or to a carrier or United States postal service location for delivery to a place within the physical limits of this state, is sourced to the seller's or lessor's place of business in this state.

(b) The location of where the purchaser may take or use the product is not determinative of where the sale is sourced.

(c) For the sale of a product made from a place of business within the physical limits of this state that is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

(d) For a lease or rental of property, excluding transportation equipment as defined in § 67-6-902(b)(1), delivered to the lessee or renter in this state that requires recurring periodic payments, the periodic payments made subsequent to the first payment that cover periods where the primary property location is no longer within the physical limits of this state are not sourced to this state. The lessor is not liable for the tax imposed under this chapter on the periodic payments that cover periods where the primary property location is no longer in this state. The primary property location is determined in accordance with § 67-6-902(b)(2)(B).

(e) For the sale of repairing of tangible personal property or computer software; laundering or dry cleaning of tangible personal property; and installing of tangible personal property that remains tangible personal property after installation; and installing of computer software, made from a place of business within the physical limits of this

state where the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

**67-6-904.**

(a) For purposes of this section:

(1) "Advertising and promotional direct mail" means printed material that is direct mail, for which the primary purpose is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization;

(2) "Direct mail" has the same meaning as defined in § 67-6-102;

(3) "Other direct mail":

(A) Means direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing; and

(B) Includes, but is not limited to:

(i) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including, but not limited to, newsletters and informational pieces; and

(C) Does not include the development of billing information or the provision of a data processing service that is more than incidental; and

(4) "Product" means tangible personal property, a product transferred electronically, or a service.

(b) The sale of direct mail is sourced as follows:

(1) For the sale of advertising and promotional direct mail and other direct mail made from a place of business in this state to a purchaser where delivery is made by the seller to a carrier or United States postal service location for distribution or delivery to direct mail recipients within the physical limits of this state, the sale is sourced to the seller's place of business;

(2) To the extent the seller knows based on information provided by the purchaser showing the jurisdictions to which the direct mail will be delivered to recipients in another state, the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state is not sourced to this state;

(3) In lieu of providing the delivery information in accordance with subdivision (b)(2), a purchaser may provide the streamlined certificate of exemption to claim the direct mail exemption for the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state; and

(4) In the absence of bad faith, where the seller sourced the sale according to the delivery information provided by the purchaser in accordance with this section, the seller is not liable for tax if it is determined the purchaser provided incorrect delivery information.

(c) This section does not impose tax on billing services or data processing services.

SECTION 31. Tennessee Code Annotated, Section 67-6-905(a), is amended by adding the following as new, appropriately designated subdivisions:

( ) "Ancillary services" means services that are associated with, or incidental to, the provision of telecommunications services, including, but not limited to, detailed

telecommunications billing service, directory assistance service, vertical service, and voice mail service;

( ) "Conference bridging service":

( ) Means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number; and

( ) Does not include the telecommunications services used to reach the conference bridge;

( ) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

( ) "Directory assistance service" means an ancillary service of providing telephone number information and address information;

( ) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

( ) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service, as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, that is sold in predetermined units or dollars, of which the number declines with use in a known amount;

( ) "Vertical service" means an ancillary service that is offered in connection with one (1) or more telecommunications services, and that offers advanced calling features



that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services;

( ) "Voice mail service":

( ) Means an ancillary service that enables the customer to store, send, or receive recorded messages; and

( ) Does not include vertical services that the customer may be required to have in order to utilize the voice mail service;

SECTION 32. Tennessee Code Annotated, Section 67-6-905, is amended by adding the following as a new subsection:

(e) A sale of a prepaid calling service, or a sale of a prepaid wireless calling service, is sourced in accordance with:

(1) Section 67-6-903 when sold from a place of business within the physical limits of this state; and

(2) Section 67-6-902(a)(2) when sold from out of state into this state; provided, however, that, in the case of a sale of prepaid wireless calling service, the rule provided in § 67-6-902(a)(2)(E) includes as an option the location associated with the mobile telephone number.

SECTION 33. Tennessee Code Annotated, Section 67-4-2023(b)(3), is amended by designating the existing language as subdivision (b)(3)(A) and adding the following as a new subdivision (b)(3)(B):

(B) "Certified distribution sales" also includes sales of alcoholic beverages, as defined in § 57-3-101, when such sales are made in this state by the taxpayer to an affiliate that continues the manufacturing process, prior to the manufactured beverage being sold for ultimate use or consumption outside this state; provided, that the affiliate has certified that such property has been sold for ultimate use or consumption outside this state. Such certification must be made in the manner prescribed by the commissioner.

SECTION 34. Tennessee Code Annotated, Section 67-4-2023(b)(1), is amended by inserting the following at the end of the subdivision immediately preceding the semicolon:

, or if a taxpayer's sales of alcoholic beverages, as defined in § 57-3-101, made in this state to an affiliate that continues the manufacturing process exceed one billion dollars (\$1,000,000,000), as determined under § 67-4-2012 without regard to this section

SECTION 35. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 33, and 34 of this act take effect upon becoming a law, the public welfare requiring it, and apply to tax years ending on or after December 31, 2023. Sections 11 and 12 of this act take effect April 1, 2024, the public welfare requiring it, and apply to revenue received on or after that date. Section 17 of this act takes effect January 1, 2024, the public welfare requiring it, and applies to tax years ending on or after December 31, 2024. Sections 26, 27, 28, 30, 31, and 32 of this act take effect January 1, 2024, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

SUB 3/22

Amendment No. \_\_\_\_\_

*Willie Luther*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 275\***

**House Bill No. 323**

by inserting the following new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION \_\_. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following new subsection:

( ) Notwithstanding the allocations provided for in subsection (a), there must be allocated and distributed to the counties and municipalities an amount substantially equal to the amount that would have been allocated to the counties and municipalities under subdivision (a)(3) but for the temporary exemption from sales tax applicable to the retail sale of food and food ingredients between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023, pursuant to § 67-6-393(j)(2). The allocation provided in this subsection ( ) must be based on the reporting of exempt sales of food and food ingredients during the exemption period and any other data or information the commissioner deems relevant.

**AND FURTHER AMEND** by deleting the language "January 1, 2024" in the fourth sentence of the effective date section and substituting instead the language "July 1, 2024".



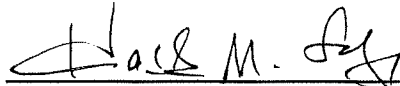
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Sub 3/22

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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| Date         | _____ |
| Time         | _____ |
| Clerk        | _____ |
| Comm. Amdt.  | _____ |

**AMEND Senate Bill No. 1326**

**House Bill No. 1176\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 42-4-105(a)(1)(B), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 42-4-105(d)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Notwithstanding this section to the contrary:

(A) The board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, is vacated and reconstituted to consist of seven (7) commissioners as follows:

(i) One (1) person to be appointed by the speaker of the house of representatives;

(ii) One (1) person to be appointed by the speaker of the senate;

(iii) One (1) person to be appointed by the governor; and

(iv) Four (4) persons appointed by the mayor of the county having the metropolitan form of government;

(B) Persons appointed to the board must:

(i) Be residents of the county, or counties contiguous to the county, having the metropolitan form of government; and



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(ii) Have no financial interest in an airport or its concessions at the time of the commissioner's appointment and during the commissioner's tenure on the board;

(C) In order to stagger the terms of the newly appointed board, initial appointments are made as follows:

(i) The commissioner appointed under subdivision (d)(1)(A)(iii) serves an initial term that expires on June 30, 2025;

(ii) The commissioner appointed under subdivision (d)(1)(A)(i) serves an initial term that expires on June 30, 2026;

(iii) The commissioner appointed under subdivision (d)(1)(A)(ii) serves an initial term that expires on June 30, 2027; and

(iv) Commissioners appointed under subdivision (d)(1)(A)(iv) serve initial terms that expire on June 30, 2028;

(D) Following the expiration of a commissioner's initial term, as prescribed in subdivision (d)(1)(C), all terms are four (4) years, to begin on July 1 and terminate on June 30, four (4) years thereafter;

(E) In making the appointments to the board, the appointing authorities shall strive to ensure that:

(i) The membership is representative of the geographic and demographic composition of the county or state;

(ii) At least one (1) commissioner is a female; and

(iii) Another commissioner is of a racial minority;

(F) In making the appointments to the board, the appointing authorities shall ensure that each commissioner is generally a person of excellent character and reputation and a person in good standing and reputation in one (1) of the following fields:

(i) Engineering, with a license to practice in the state and an active practice in such profession for the preceding five (5) years;

(ii) Law, with a license to practice before the highest court in this state for a period of not less than five (5) years;

(iii) Industry or commerce; and

(iv) Finance;

(G) A commissioner:

(i) Serves in such capacity until the expiration of the term to which the commissioner was appointed and until the commissioner's successor is duly appointed and qualified; and

(ii) May be removed by the commissioner's appointing authority with or without cause. A vacancy created by the removal of a commissioner is filled by the appointing authority in the same manner as the original appointment;

(H) In addition to the reporting requirements under § 42-4-106(d) and (e), the authority shall submit quarterly reports or briefings of the activities, plans, and conditions of the authority, and any proposals for capital expansion or improvements to members of the legislative body of the creating municipality, the governor, the speaker of the house of representatives, and the speaker of the senate prior to the expansion or improvements; and

(I) The authority is subject to all other provisions of this chapter to the extent otherwise applicable, except as provided by this section.

SECTION 3. Tennessee Code Annotated, Section 42-4-102(a), is amended by adding the following language at the end of the subsection:

The acquisition of any land, or interest in land, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports, air navigation facilities, and

navigation easements, including the acquisition or elimination of airport hazards and the exercise of any other powers granted in this chapter to authorities are declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of an authority in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

SECTION 4. Tennessee Code Annotated, Section 42-4-106(b), is amended by deleting the subsection and substituting instead the following:

(b) The president shall appoint, and the board shall confirm, the following additional officers: secretary, auditor, legal counsel, treasurer, and chief engineer. Notwithstanding this section to the contrary, for a board of commissioners of the authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, the president shall appoint, and the board shall confirm, an independent financial auditing firm and the following additional officers: secretary, chief financial officer, general counsel, and chief operating officer.

SECTION 5. Tennessee Code Annotated, Section 42-4-106(d), is amended by adding the following language as a new subdivision (3):

The president shall submit the approved annual operating budget to the governor, the speaker of the house of representatives, and the speaker of the senate for review.

SECTION 6. Tennessee Code Annotated, Section 42-4-107(3), is amended by deleting the subdivision and substituting instead the following:

(3) Acquire real or personal property or an interest in real or personal property by gift, lease, or purchase, or for an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according

to the 2020 federal census or a subsequent federal census, by eminent domain proceedings, for any of the purposes provided by this chapter, including the elimination, prevention, or marking of airport hazards; sell, lease, or otherwise dispose of any such property; and acquire real property or any interest in real property in areas most affected by aircraft noise for the purpose of resale or lease, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise;

SECTION 7. Tennessee Code Annotated, Section 42-4-107, is amended by adding the following as new subdivisions:

(20) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may regulate aircraft hazards, compatible land use, or other factors impacting the safe and efficient operation of the airport by submitting a map to the county or to an applicable contiguous county that requires the review and approval, conditional approval, or denial of building permits within the designated boundaries;

(21) Notwithstanding a general law or charter provision to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may construct, authorize, widen, narrow, relocate, vacate, change in the use, accept, acquire, sell, or lease any street or other public way, ground, place or space, or public utility whether publicly or privately owned, or any portion thereof; provided, that the authority owns all of the real property abutting the street or other public way, ground, place or space, or public utility, or owns all of the real property abutting the portions thereof that are to be constructed, authorized, widened, narrowed, relocated, vacated, changed in use, accepted, acquired, sold, or leased;

SECTION 8. Tennessee Code Annotated, Section 42-4-108, is amended by designating the existing language as subsection (a) and adding following as a new subsection (b):



(b) Notwithstanding subsection (a) to the contrary, an authority in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall proceed in accordance with title 29, chapter 16, in the acquisition of property by eminent domain proceedings authorized by this chapter. For the purpose of making surveys and examinations relative to eminent domain proceedings, it is lawful for the authority to enter upon the land, doing no unnecessary damage. Notwithstanding another law to the contrary, an authority may take possession of any property to be acquired by eminent domain proceedings at any time after the commencement of the proceedings. The authority shall not be precluded from abandoning the proceedings in a case where possession of the property has not been taken, even after a trial jury in circuit court has rendered a verdict as to damages for the property taken and at any time prior to the entry of a final decree disposing of the entire eminent domain proceedings.

SECTION 9. Tennessee Code Annotated, Section 42-4-112, is amended by deleting the section and substituting instead the following:

This chapter does not limit any power of a municipality to regulate airport hazards by zoning. Notwithstanding this section to the contrary, in a county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, airport hazards must be regulated pursuant to § 42-4-107(20).

SECTION 10. For purposes of appointing commissioners to the new airport authority board, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

Sub 3/22

Amendment No. \_\_\_\_\_

*Patsy Haglewood*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 855**

**House Bill No. 794\***

by deleting all language after the enacting clause and substituting:

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

(a) As used in this section, unless the context otherwise requires:

(1) "Alternative device" means a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device;

(2) "Eligible costs" means the costs paid from the fund that are associated with:

(A) 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 in accordance with § 40-11-118(d)(1)(B), § 55-10-401, § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), § 55-10-417(k), and other applicable law for a person determined by the court to be indigent; or

(B) The use, monitoring, and maintenance of an alternative device required pursuant to § 40-11-118(d)(2), § 40-11-152, § 55-10-402(d)(2)(A)(iii), § 55-10-402(h)(7), or any other applicable law for a person determined by a court to be indigent;

(3) "Functioning ignition interlock device" has the same meaning as in § 55-10-411(h)(2);



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(4) "Fund" means the electronic monitoring indigency fund;

(5) "Indigent" means a person who has been determined by a court to not possess sufficient means to pay for eligible costs applying the factors in subdivision (h)(4);

(6) "Local government" means a county or metropolitan government; and

(7) "Provider" means an ignition interlock provider, as defined in § 55-10-411(h)(3), and a provider of an alternative device.

(b) There is created in the state treasury a fund known as the electronic monitoring indigency fund. The fund is composed of two (2) accounts:

(1) The ignition interlock device account, which must pay for eligible costs for a functioning ignition interlock device that has been ordered by a court in accordance with applicable law; and

(2) The alternative device account, which must pay for eligible costs for an alternative device that has been ordered by a court in accordance with applicable law.

(c) The fund must be administered as follows:

(1) The money in the two (2) accounts may be commingled for investment purposes but must be accounted for separately with separate accounting for each account's principal and income;

(2) The ignition interlock device account must contain state-appropriated monies and may contain a portion of the fees assessed in accordance with this section, and as provided in other applicable law. The ignition interlock device account must be funded in whole or in part from state-appropriated monies;

(3) The alternative device account must contain state-appropriated monies;

(4) Moneys in the fund shall not revert to the general fund of the state, but must remain available to be used as provided for in this section;

(5) Interest accruing on fund deposits and investments must be credited to the fund, must not revert to the general fund, and must be carried forward into each subsequent fiscal year;

(6) Moneys in the fund must be invested by the state treasurer in accordance with § 9-4-603; and

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

(d) The fund must be composed of fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9), which must be allocated as follows:

(1) Thirty dollars and fifty cents (\$30.50) to the fund for the purpose of paying eligible costs, and all costs and expenses incurred by the department of treasury for the administration of the fund;

(2) Four dollars and 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;

(3) One dollar and 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;

(4) One dollar and 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;

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

(6) One dollar and 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:

(A) 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 shall serve no less than two hundred (200) adults monthly;

(B) Safe and secure treatment facilities, and treatment to include moral recognition therapy, high school equivalency credential course work, anger management therapy, and domestic and family counseling; and

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

(e) Annually, the state treasurer, in consultation with the commissioner of finance and administration, shall conduct an analysis to determine the solvency of the fund. The state treasurer may declare a surplus if 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. A surplus in the fund must be allocated as follows:

(1) 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

(2) 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.

(f) The state treasurer shall manage and administer the payment of eligible costs for ignition interlock devices. A local government is not required to demonstrate its participation in the fund for the payment of eligible costs from the fund for ignition interlock devices.

(g) Subject to annual appropriations, there is established a grant program to assist local governments with up to fifty percent (50%) of the payment of eligible costs for alternative devices. The department of finance and administration, office of criminal justice programs, shall develop and administer the grant program.

(h)

(1) Notwithstanding another law to the contrary, the eligible costs incurred in order to comply with a court order to use a functioning ignition interlock device or an alternative device must be paid by the person ordered to use the device, unless the court finds such person to be indigent.

(2) If a court determines that a person is indigent, then the court shall order the person to pay a minimum of thirty dollars (\$30.00) per month. The remainder of the monthly costs, up to the maximum monthly payment allowed pursuant to subsection (l), must be paid from the fund.

(3) Whenever a person ordered to install a device asserts an inability to pay for such device, the court shall conduct a full and complete hearing to determine the person's indigency. All statements made by the person must be by written affidavit of indigency created by the administrative office of the courts and sworn to before the court. If the person intentionally misrepresents, falsifies, or withholds any information in the affidavit of indigency, then the person commits perjury as set out in § 39-16-702.

(4) When making a finding as to indigency under this section, the court shall consider:

(A) The income of the person, regardless of source, including, but not limited to, governmental assistance or pensions;

(B) The person's monthly expenses;

(C) The number of other members of the person's household and any dependents;

(D) The person's employment status and education level;

(E) The person's ownership or equity in real or personal property or other assets;

(F) The person's debts;

(G) The amount of the appearance or appeal bond, whether the person has been able to obtain release by making bond, and, if the person obtained release by making bond, the amount of money paid and the source of the money;

(H) The poverty level income guidelines compiled and published by the United States department of labor; and

(I) Other circumstances presented to the court that the court finds to be relevant to the issue of indigency.

(i) The department of treasury shall administer, process, and pay the claims submitted by ignition interlock providers for an indigent person's eligible costs. Each local government participating in the alternative device account shall administer, process, and pay its own claims submitted by alternative device providers for an indigent person's eligible costs.

(j) Ignition interlock providers shall submit claims and invoices to the state treasurer for reimbursement from the ignition interlock device account for an indigent person with eligible costs, and providers of alternative devices shall submit claims and

invoices for reimbursement to the respective local government for reimbursement from the alternative device account for an indigent person with eligible costs. Both types of claims must be submitted no later than ninety (90) calendar days after the device has been ordered by the court, and must be accompanied by the following:

(1) The court order requiring the device;

(2) The affidavit of indigency, and any other information considered by the court to arrive at a determination of the person's indigency; and

(3) 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 for reimbursement.

(k) Once a claim is approved for eligibility, the provider shall submit:

(1) Invoices for payment to either the state treasurer or the local government no later than one hundred eighty (180) calendar days from the date of service;

(2) Amendments to documents previously submitted or new documentation in support of a claim or invoice to either the state treasurer or the local government no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(3) Any additional information or any additional forms requested by the state treasurer or the local government.

(l) Once the invoice for payment has been approved, a provider must be paid no more than two hundred dollars (\$200) per month for the eligible costs for a device.

(m) The provider shall ensure that the court orders submitted to either the state treasurer or the local government do not contain handwritten changes and are submitted on a uniform court order prescribed by the administrative office of the courts.

(n) If a provider filing a claim or invoice for reimbursement from the fund knowingly makes a false, fictitious, or fraudulent statement or representation, or



knowingly submits false, fictitious, or fraudulent documentation or information to the state treasurer or the local government for reimbursement, then the provider may be liable under the false claims act, compiled in title 4, chapter 18.

(o) If a provider is overpaid from the fund for any reason, then either the state treasurer or the local government may exercise a right of set-off against any amount due to the provider from the fund.

(p) If the state treasurer determines or anticipates that there are or will be insufficient funds to pay for eligible costs from the ignition interlock account, or the local government determines or anticipates that there are or will be insufficient funds to pay for eligible costs, then the state treasurer or the local government may:

(1) Stop accepting, determining eligibility for, or paying claims or invoices submitted by providers for a period of time determined by either the state treasurer or the local government;

(2) Begin accepting or paying claims or invoices submitted by providers on or after the date on which the state treasurer determines that there is a sufficient amount of money in the ignition interlock account or the local government determines there is a sufficient amount of money in the alternative device account;

(3) 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 respective accounts in the fund again; and

(4) Establish an order of priority for paying claims and invoices after the period of insolvency.

(q) The state treasurer is authorized to promulgate rules relative to the investment of money in the fund and the administration, processing, and payment of ignition interlock provider claims and invoices. The commissioner of finance and administration is authorized to promulgate rules relative to the grant program.

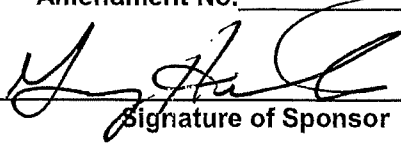
(r) The state treasurer, in consultation with the department of finance and administration, shall report annually to the general assembly on the activities of the fund for the preceding fiscal year. The first report is due no later than February 1, 2024, and by each February 1 thereafter.

(s) The fund is subject to examination and audit by the comptroller of the treasury.

SECTION 2. This act takes effect October 1, 2023, the public welfare requiring it, and applies to claims for alternative devices that are eligible for payment or pending an eligibility determination on or after October 1, 2023, and to invoices for alternative devices that are pending payment or submitted for payment on or after October 1, 2023.

SUB 3/22

Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1154\***

**House Bill No. 1426**

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

SECTION 1. Tennessee Code Annotated, Section 67-6-330(a)(5), is amended by adding the following new subdivision:

(C) On or after January 1, 2027, the exemption provided for in this subdivision (a)(5) does not apply to amusement or recreational activities conducted, produced, or provided at a facility owned by a sports authority organized pursuant to title 7, chapter 67, during a period in which the facility is eligible to receive a distribution of state sales tax revenue pursuant to § 67-6-103(d);

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 123\***

**House Bill No. 394**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-7-213(b), is amended by deleting the subsection and substituting the following:

(b)

(1) The commissioner is authorized to promulgate rules to establish standards for poultry and poultry products, and to prescribe labeling and advertising standards and requirements for poultry and poultry products.

(2) The commissioner shall promulgate rules and appoint qualified personnel as are necessary to establish a state meat inspection program within the department of agriculture to perform inspections required by this part. The rules must establish standards for meat and meat food products, and prescribe labeling and advertising standards and requirements for meat and meat food products. The commissioner shall consult with the department of health and representatives of the meat industry in this state when promulgating rules required by this subdivision (b)(2).

(3) Subdivisions (b)(1) and (2) do not limit the commissioner's authority to prescribe other rules pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 53-7-213(d), is amended by deleting the subsection and substituting the following:

(d)



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(1) Except as required by subdivision (d)(2), in promulgating rules pursuant to this part, the commissioner may consider rules and regulations that have been promulgated pursuant to the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) or the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.).

(2) The rules promulgated pursuant to subdivision (b)(2) must conform with the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) and incorporate the regulations compiled at 9 CFR, chapter III, Subchapters A and E.

(e) The commissioner shall hire at least eight (8) inspectors to inspect:

(1) Livestock that are subject to inspection under this part;

(2) Livestock carcasses, parts of livestock carcasses, and meat food products; and

(3) Sanitary conditions of official establishments in which meat and meat food products are prepared.

SECTION 3. Tennessee Code Annotated, Section 53-7-214, is amended by deleting subsections (a) and (b) and substituting the following:

(a) This part does not apply to any act or transaction subject to regulation under the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.); provided, that inspectors are not excluded from making routine inspections and from taking samples at federally inspected plants for determining compliance with related federal acts and for compliance with state law.

(b) Notwithstanding a law to the contrary, the commissioner may cooperate with the federal government in carrying out this part or the federal Meat Inspection Act for a state inspection program for interstate commerce.

SECTION 4. Tennessee Code Annotated, Section 53-7-215, is amended by deleting the following language:

The cost of inspections made to effectuate this part shall be borne by the department of agriculture

and substituting the following:

The cost of inspections made to effectuate this part, other than inspections made for the purposes described in § 53-7-216(d), shall be borne by the department of agriculture

SECTION 5. Tennessee Code Annotated, Title 53, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) The commissioner is designated as the state official responsible for cooperating with the United States secretary of agriculture under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.). The commissioner shall cooperate with the United States secretary of agriculture in developing and administering the meat inspection program of this state under this part to assure that its requirements will be at least equal to those imposed by the federal Meat Inspection Act (21 U.S.C. § 601 et seq.), and in developing and administering the program of this state under this part in a manner that will effectuate the purposes of this part and federal law.

(b) The commissioner may accept from the United States secretary of agriculture advisory assistance in planning and developing the state program, technical and laboratory assistance and training, and financial and other aid for administration of the program.

(c) The commissioner may spend public funds of this state, subject to appropriation in the general appropriations act, for administration of this part to pay fifty percent (50%) of this state's estimated total cost of the cooperative programs developed under this section.

(d) The commissioner may recommend to the United States secretary of agriculture such officials or employees of this state as the commissioner designates for appointment to the advisory committee provided for in 21 U.S.C. § 661(a)(4), and the commissioner shall serve as the representative of the governor of this state for

consultation with the United States secretary of agriculture under 21 U.S.C. § 661(c), unless the governor designates another representative.

(e) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and meat products, the jurisdiction of the commissioner within the scope of this part is exclusive, and a county or municipal board of health or other county or municipal agency does not have any power or jurisdiction to regulate the slaughtering of any livestock or the processing or transportation of the carcasses or parts thereof or the meat and meat food products of such animals, nor does any county or municipal board of health or other county or municipal agency have any power or jurisdiction with regard to the inspections provided for in this part, nor with respect to any other activity committed to the authority of the commissioner by this part.

(f)

(1) In carrying out this part, the commissioner may cooperate with all other branches of government, county and municipal, and with county and municipal health departments or other agencies and may conduct such examinations, investigations, and inspections as provided for in this part and as the commissioner determines practical through any officer or employee of this state or any municipality or county in this state qualified for such purpose.

(2) The commissioner may contract with any municipal or county health departments to carry out the duties and requirements of this part. Any municipal or county health department may contract with the commissioner for the purpose of meeting the requirements of this part.

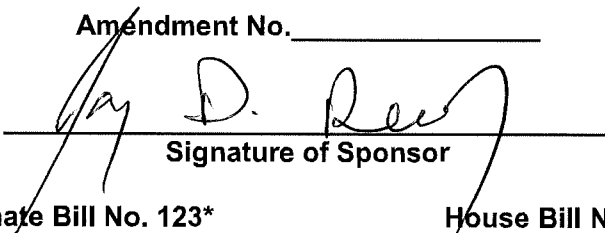
(g) This section does not preclude or restrict any municipality or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this part are conducted.

SECTION 6. For the purposes of promulgating rules and taking all other administrative actions necessary to implement this act, this act takes effect upon becoming a law, the public

welfare requiring it. For all other purposes, this act takes effect January 1, 2024, the public welfare requiring it.



Amendment No. \_\_\_\_\_

  
Signature of Sponsor

**AMEND** Senate Bill No. 123\*

House Bill No. 394

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-7-213(b), is amended by deleting the subsection and substituting the following:

(b)

(1) The commissioner is authorized to promulgate rules to establish standards for poultry and poultry products, and to prescribe labeling and advertising standards and requirements for poultry and poultry products.

(2) The commissioner shall promulgate rules and appoint qualified personnel as are necessary to establish a state meat inspection program within the department of agriculture to perform inspections required by this part. The rules must establish standards for meat and meat food products, and prescribe labeling and advertising standards and requirements for meat and meat food products. The commissioner shall consult with the department of health and representatives of the meat industry in this state when promulgating rules required by this subdivision (b)(2).

(3) Subdivisions (b)(1) and (2) do not limit the commissioner's authority to prescribe other rules pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 53-7-213(d), is amended by deleting the subsection and substituting the following:

(d)



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(1) Except as required by subdivision (d)(2), in promulgating rules pursuant to this part, the commissioner may consider rules and regulations that have been promulgated pursuant to the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) or the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.).

(2) The rules promulgated pursuant to subdivision (b)(2) must conform with the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) and incorporate the regulations compiled at 9 CFR, Chapter III, Subchapters A and E.

(e) The commissioner shall hire:

(1) One (1) state meat inspection program administrator who shall be responsible for:

(A) Compiling documents to demonstrate adoption of, and statutory authority and food safety regulations to run, a meat inspection program; policies to implement inspection activities, sampling programs, humane handling, and compliance programs; civil rights accountability; and a proposed budget;

(B) Submitting the documents listed in subdivision (e)(1)(A), along with any other required documents, to the federal food safety and inspection service (FSIS) of the United States department of agriculture, for the purpose of entering into a cooperative agreement with FSIS for a state meat inspection program; and

(C) Performing other duties concerning the administration of a state meat inspection program, as determined by the commissioner;

(2) One (1) administrative assistant to assist the program administrator in carrying out the program administrator's duties; and

(3) Sufficient staff to inspect:

(A) Livestock that are subject to inspection under this part;

(B) Livestock carcasses, parts of livestock carcasses, and meat food products; and

(C) Sanitary conditions of official establishments in which meat and meat food products are prepared.

SECTION 3. Tennessee Code Annotated, Section 53-7-214, is amended by deleting subsections (a) and (b) and substituting the following:

(a) This part does not apply to any act or transaction subject to regulation under the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.); provided, that inspectors are not excluded from making routine inspections and from taking samples at federally inspected plants for determining compliance with related federal acts and for compliance with state law.

(b) Notwithstanding a law to the contrary, the commissioner may cooperate with the federal government in carrying out this part or the federal Meat Inspection Act for a state inspection program for interstate commerce.

SECTION 4. Tennessee Code Annotated, Title 53, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) The commissioner is designated as the state official responsible for cooperating with the United States secretary of agriculture under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.). The commissioner shall cooperate with the United States secretary of agriculture in developing and administering the meat inspection program of this state under this part to assure that its requirements will be at least equal to those imposed by the federal Meat Inspection Act (21 U.S.C. § 601 et seq.), and in developing and administering the program of this state under this part in a manner that will effectuate the purposes of this part and federal law.

(b) The commissioner may accept from the United States secretary of agriculture advisory assistance in planning and developing the state program, technical

and laboratory assistance and training, and financial and other aid for administration of the program.

(c) The commissioner may spend public funds of this state, subject to appropriation in the general appropriations act, for administration of this part to pay this state's cost of the cooperative programs developed under this section.

(d) The commissioner may recommend to the United States secretary of agriculture such officials or employees of this state as the commissioner designates for appointment to the advisory committee provided for in 21 U.S.C. § 661(a)(4), and the commissioner shall serve as the representative of the governor of this state for consultation with the United States secretary of agriculture under 21 U.S.C. § 661(c), unless the governor designates another representative.

(e) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and meat products, the jurisdiction of the commissioner within the scope of this part is exclusive, and a county or municipal board of health or other county or municipal agency does not have any power or jurisdiction to regulate the slaughtering of any livestock or the processing or transportation of the carcasses or parts thereof or the meat and meat food products of such animals, nor does any county or municipal board of health or other county or municipal agency have any power or jurisdiction with regard to the inspections provided for in this part, nor with respect to any other activity committed to the authority of the commissioner by this part.

(f)

(1) In carrying out this part, the commissioner may cooperate with all other branches of government, county and municipal, and with county and municipal health departments or other agencies and may conduct such examinations, investigations, and inspections as provided for in this part and as the commissioner determines practical through any officer or employee of this state or any municipality or county in this state qualified for such purpose.

(2) The commissioner may contract with any municipal or county health departments to carry out the duties and requirements of this part. Any municipal or county health department may contract with the commissioner for the purpose of meeting the requirements of this part.

(g) This section does not preclude or restrict any municipality or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this part are conducted.

#### SECTION 5.

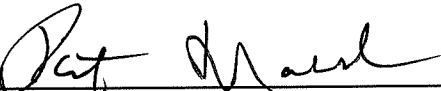
(a) For the purposes of hiring a state meat inspection program director pursuant to Section 53-7-213(e)(1), hiring an administrative assistant pursuant to Section 53-7-213(e)(2), promulgating rules, and taking all other administrative actions necessary to implement this act, this act takes effect upon becoming a law, the public welfare requiring it.

(b) For all other purposes, this act takes effect immediately upon thirty (30) days following receipt from the federal food safety and inspection service (FSIS) of the United States department of agriculture that Tennessee has met the requirements under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) to enter into a cooperative agreement with FSIS for a state meat inspection program.

(c) The state meat inspection program director, or another person designated by the commissioner of agriculture, shall notify the executive secretary of the Tennessee code commission upon receipt from the FSIS that Tennessee has met the requirements under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) to enter into a cooperative agreement with FSIS for a state meat inspection program.



Amendment No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 464**

**House Bill No. 447\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 11-13-104, is amended by adding the following language under the designation "Class III Developed River Areas":

Duck River – That segment of the Duck River beginning at Industrial Park Road approximately at river mile 128 extending continuously to a point downstream to the boundary of Hickman County at approximately river mile 98 downstream from the Natchez Trace River Bridge.

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



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**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 407\***

**House Bill No. 523**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new subsection:

(x)

(1) The department may issue an aquatic resource alteration permit to a person in connection with the removal of sand, gravel, and similar sediments or deposits from streams or wetlands.

(2) A person who is issued a permit under this section associated with the commercial recovery of sand, gravel, and similar sediments or deposits, from a stream or wetland that is the property of this state is deemed to have received ownership of these materials from this state upon removal by the permittee from the stream or wetland and payment to this state as provided in subdivision (x)(3), notwithstanding the provisions of title 12 or another law to the contrary.

(3) If the permittee removes sand, gravel, or similar sediments from property of this state, it shall compensate the state for two and one-half percent (2.5%) of the market value of the finished product.

(4) The department shall not grant a permit associated with the removal of sand, gravel, or similar sediments from streams or wetlands located on private property unless the permit applicant owns the property, owns the mineral estate, or has received written consent from the private property owner, and has submitted documentation of such ownership or consent to the department.



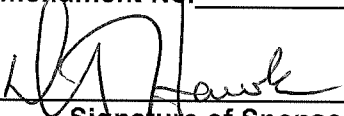
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SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

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| Date         | _____ |
| Time         | _____ |
| Clerk        | _____ |
| Comm. Amdt.  | _____ |
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**AMEND Senate Bill No. 1370**

**House Bill No. 735\***

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

SECTION 1. Tennessee Code Annotated, Section 55-8-185(c)(1), is amended by adding the following as a new, appropriately designated subdivision:

( ) State Route 107 (Houston Valley Road) from its intersection with State Route 70 (Asheville Highway) in Greene County to its intersection with U.S. Highway 25/70 in Cocke County;

SECTION 2. This act takes 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. 520\***

**House Bill No. 766**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 55-8-110(a)(8), is amended by deleting the following language:

Whenever in this state three-light traffic-control signals are used displaying successively green, yellow, and red lights for the direction of motorists and pedestrians, the minimum time exposure of the yellow light shall be three (3) seconds. Any state agency or any political subdivision of the state that installs, owns, operates, or maintains any such traffic-control signal light shall set or cause to be set the timing-control device for the signal light in compliance with this subdivision (a)(8). No state agency or any political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time exposure of the yellow light at the intersection with the intended purpose of increasing the number of traffic violations.

and by substituting instead the following new language:

Whenever in this state three-light traffic-control signals are used displaying successively green, yellow, and red lights for the direction of motorists and pedestrians, the duration of the yellow plus all red change interval must be determined using engineering practices as identified in the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the department of transportation in accordance with § 54-5-108(b), and the minimum time exposure of the yellow light must be three (3) seconds. A



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state agency or political subdivision of the state that installs, owns, operates, or maintains any such traffic-control signal light shall set or cause to be set the timing-control device for the signal light in compliance with this subdivision (a)(8) and the MUTCD, as adopted by the department of transportation in accordance with § 54-5-108(b). A state agency or political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall not reduce the time exposure of the yellow light at the intersection with the intended purpose of increasing the number of traffic violations.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.

**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 685\***

**House Bill No. 980**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 68-211-902, is amended by inserting the following as a new subdivision (3) and renumbering the existing subdivision (3) and remaining subdivisions accordingly:

(3) "Collecting municipality" means a municipality that:

(A) Collects residential municipal waste within its boundary;

(B) Is located within a county that meets one (1) or more of the growth criteria in § 67-4-2907; and

(C) Is located within one (1) mile of a Class I landfill;



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**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 685\***

**House Bill No. 980**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 68-211-902, is amended by inserting the following as a new subdivision (3) and renumbering the existing subdivision (3) and remaining subdivisions accordingly:

(3) "Collecting municipality" means a municipality that collects residential municipal waste within its boundary and is located within a county having a population of not less than three hundred forty-one thousand four hundred (341,400) nor more than three hundred forty-one thousand five hundred (341,500), according to the 2020 federal census or a subsequent federal census;



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 698\***

**House Bill No. 1358**

by deleting all language after the enacting clause and substituting:

WHEREAS, metachromatic leukodystrophy (MLD), is a rare genetic brain disease that can be tested for during newborn screenings via a simple pin prick of the foot of the newborn in order to test the blood; and

WHEREAS, the availability of newborn screening for MLD is very limited and not yet recommended in the United States by the Recommended Uniform Screening Panel, which is the list of disorders recommended by the Secretary of the United States Department of Health and Human Services for newborn screening programs; and

WHEREAS, it is vitally important that the U.S. Department of Health and Human Services' Recommended Uniform Screening Panel quickly review and recommend newborn screening for MLD and provide assistance to the State to address their respective abilities to screen for the disorder and the availability of effective treatments; now, therefore,

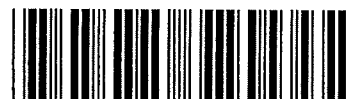
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The department of health is directed to officially request the United States department of health and human services to add newborn screening for metachromatic leukodystrophy to the recommended uniform screening panel.

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

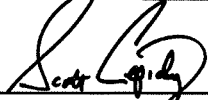


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Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 820\***

**House Bill No. 1206**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-2913, is amended by deleting the section and substituting instead:

A county shall not enact a local real estate transfer tax by private or public act.

After December 1, 2023, a county shall not enact an impact fee on development by private or public act. In addition, this part is the exclusive authority for local governments to adopt new or additional adequate facilities taxes on development. However, this part does not prevent a municipality or county from exercising its authority to levy or collect similar development taxes or impact fees granted by a private act that was in effect prior to December 1, 2023, or from revising the dedicated use and purpose of a tax on new development from public facilities to public school facilities. A county levying a development tax or impact fee by private act on December 1, 2023, is prohibited from using the authority provided in this part so long as the private act is in effect.

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

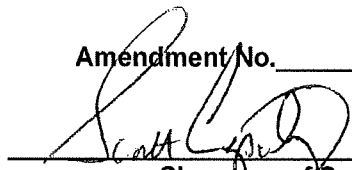


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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 820\***

**House Bill No. 1206**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-2913, is amended by deleting the section and substituting instead:

(a) A county shall not enact a local real estate transfer tax by private or public act.

(b)

(1) After December 1, 2023, a county shall not enact an adequate facilities tax or impact fee on development by private or public act.

(2) The only method for a county to approve an adequate facilities tax or impact fee pursuant to subdivision (b)(1) is by referendum.

(c) After December 1, 2023, this part is the exclusive authority for local governments to adopt new or additional adequate facilities taxes on development. However, this part does not prevent a municipality or county from exercising its authority to levy or collect similar development taxes or impact fees granted by a private act that was in effect prior to December 1, 2023, or from revising the dedicated use and purpose of a tax on new development from public facilities to public school facilities. A county levying a development tax or impact fee by private act on December 1, 2023, is prohibited from using the authority provided in this part so long as the private act is in effect.

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

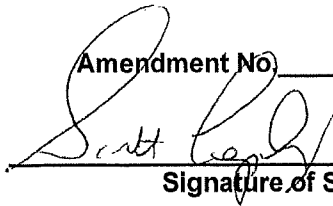


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Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 820\***

**House Bill No. 1206**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-2913, is amended by deleting the section and substituting instead:

(a) A local government shall not enact a local real estate transfer tax by private or public act.

(b)

(1) After December 1, 2023, a county shall not enact an adequate facilities tax or impact fee on development by private or public act.

(2) The only method for a county to approve an adequate facilities tax or impact fee pursuant to subdivision (b)(1) is the ratification of a private act by referendum held between April 1, 2023, and December 1, 2023.

(c) This part is the exclusive authority for local governments to adopt new or additional adequate facilities taxes on development. However, this part does not prevent a municipality or county from exercising its authority to levy or collect similar development taxes or impact fees granted by a private act that was in effect prior to December 1, 2023, or from revising the dedicated use and purpose of a tax on new development from public facilities to public school facilities. A county levying a development tax or impact fee by private act on December 1, 2023, is prohibited from using the authority provided in this part so long as the private act is in effect.

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



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Amendment No. \_\_\_\_\_

*Rebecca Alexander*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 851**

**House Bill No. 938\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 6-51-201, is amended by adding the following as new subsections:

(c)

(1) Owners of real property used primarily for agricultural purposes who reside in a territory previously annexed by ordinance upon the initiative of the municipality may petition the municipality to deannex such property, if:

(A) The deannexation of the property does not create an area of unincorporated territory that is completely surrounded by municipal boundaries; and

(B) The owner at the time the petition is made is the same owner as when the property was annexed.

(2) The petition must include a copy of the ordinance that includes the map of the plat seeking deannexation. The map must be the same map the municipality used to annex the territory.

(3) Upon receiving the petition for deannexation, the municipality shall determine the debt amount owed pursuant to § 6-51-204(a), if any, within thirty (30) days.

(4) The deannexation of the property becomes operative ninety (90) days after receipt of the petition by the municipality.



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(d) This section does not require a municipal utility to cease providing electrical service, sanitary sewer service, other utility services, or street lighting in the territory excluded from the municipality's corporate limits.

(e) For purposes of this section, "property used primarily for agricultural purposes" means property owned or operated by a person whose federal income tax return contains one (1) or more of the following:

(1) Business activity on IRS schedule F, profit or loss from farming, and the business activity reflected on the form is related to the property that is the subject of the petition; or

(2) Farm rental activity on IRS form 4835, farm rental income and expenses on schedule E, supplemental income and loss, and the farm rental activity reflected on the form is related to the property that is the subject of the petition.

SECTION 2. Tennessee Code Annotated, Section 6-51-204(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) Except for responsibility for any debt newly contracted after the territory was annexed and prior to the surrender of jurisdiction, all municipal jurisdiction ceases over the territory excluded from the municipality's corporate limits on:

(A) The effective date of the ordinance if the contraction is done by ordinance;

(B) The date of the certification of the results of the election if the contraction is done by election; or

(C) The operative date of a contraction accomplished through a petition by an owner of property used primarily for agricultural purposes pursuant to § 6-51-201(c).

(2) The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of any debt newly contracted after the territory was annexed and prior to the exclusion.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_  
  
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Signature of Sponsor

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| Comm. Amdt.  | _____ |

**AMEND Senate Bill No. 707\***

**House Bill No. 1010**

by deleting all language after the caption and substituting:

WHEREAS, Tennessee currently ranks as having the 11<sup>th</sup> best economy in the nation;  
and

WHEREAS, Tennessee is one the top states for company relocation and according to Tennessee's Secretary of State there have been more than 77,000 new business filings in the last year; and

WHEREAS, the largest number of new business filings in 2022 were in Shelby County, Davidson County, Knox County, and Hamilton County, and Tennessee's other 91 counties saw new business filings grow by 16.2%; and

WHEREAS, commercial real estate development in Tennessee is a powerful economic engine, contributing \$12.8 billion to the state's economy in the last year, generating \$4.7 billion in wages and salaries, and creating and supporting 83,350 jobs; and

WHEREAS, Tennessee ranks 8<sup>th</sup> nationally for inbound residents; and

WHEREAS, Tennessee is expected to grow by more than a million people over the next 20 years; and

WHEREAS, in the period between 2012-2022 permit requests increased by 309%; and

WHEREAS, local building permits are an essential and fundamental requirement for the development and improvement of commercial and residential properties; delays in obtaining permits can impact cost, financing, and contractual relationships with contractors and providers of construction equipment and materials; and



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WHEREAS, reforms to the local permitting process can bring more predictability and accountability therefore reducing uncertainty and unnecessary delays; and

WHEREAS, Tennessee continues to experience rapid economic growth, and reforms to the permitting process are needed to ensure the commercial and residential real estate industry can meet the current and future economic growth in the State; now, therefore:

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

SECTION 1. This act is known and may be cited as the "Tennessee Permitting and Inspection Streamlining Act."

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Applicant" means a person submitting an application for government approval;

(2) "Application" means a written request submitted by an applicant to a local governmental entity for governmental approval;

(3) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local governmental entity is required;

(4) "Building code inspection services":

(A) Means plan reviews and inspections; and

(B) Does not include a governmental approval from a utility department, division, or operation of a local government; except that "building code inspection services" does include a governmental approval from a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(5) "Governmental approval":

(A) Means a license, certificate, registration, certification, permit, fee, or other form of permission required from a governmental entity prior to engaging in the activity of developing property, constructing a building, or making utility or infrastructure improvements or repairs to property; and

(B) Does not include any form of permission required by a utility department, division, or operation of a local government; except that "governmental approval" does include a form of permission required by a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(6) "Inspection" means the inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local governmental entity is required to determine compliance with applicable codes;

(7) "Local government" means a county, municipality, incorporated city or town, metropolitan government, or other political subdivision of this state;

(8) "Local governmental entity":

(A) Means the components of a local government with the authority to issue, enforce, or collect fees for governmental approvals needed for development, construction of a building, or making utility or infrastructure improvements to property; and

(B) Does not include a utility department, division, or operation of a local government; except that "local governmental entity" does include a water, wastewater, or stormwater department, division, or operation of a local government in a county with a metropolitan form of government;

(9) "Permit":

(A) Means the approval given by a local governmental entity to proceed on a building or construction project;



(B) Includes, but is not limited to, permits for grading, foundations, utilities, water, stormwater, infrastructure, infrastructure improvements, and vertical construction; and

(C) Does not include an inspection for a one-family or two-family dwelling under the International Residential Code, unless approved by the building official who has the authority of the jurisdiction in which the dwelling is located;

(10) "Plan review" means a service involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes;

(11) "Private professional provider" means a professional engineer who holds a certificate of registration issued under title 62, chapter 2, or a professional architect who holds a certificate of registration issued under title 62, chapter 2, who carries the insurance required by this act and who is not an employee of or otherwise affiliated with or financially interested in the person, firm, or corporation engaged in the construction project to be reviewed or inspected;

(12) "Property" means privately owned property, property that is zoned for the exclusive purpose of constructing affordable housing, or property in the public right-of-way; and

(13) "Regulatory requirements" means the requirements determined by a local government to be necessary for approval of plans, permits, or applications under this section; provided, however, that with respect to any application, such requirements include the Tennessee State Minimum Standard Codes and any locally adopted ordinances and amendments to such codes; applicable zoning

ordinances and conditions; design standards; and other state and local laws, regulations, and ordinances applicable to the application in question.

(b)

(1) An applicant may retain, at the applicant's expense and choosing, a private professional provider to review and process the applicant's application and provide building code inspection services, pursuant to this section.

(2) An applicant or applicant's contractor using a private professional provider to provide building code inspection services shall notify the appropriate local governmental entity in writing at the time of permit application, or by two o'clock p.m. (2:00 p.m.) local time, at least two (2) business days before the first scheduled inspection by the local governmental entity, that a private professional provider has been contracted to perform the required building code inspection services, including single-trade inspections, on a form to be adopted by the local governmental entity. The notice must include the following information:

(A) The building code inspection services to be performed by the private professional provider;

(B) The name, firm, address, telephone number, and email address of each private professional provider with whom the applicant has contracted, the provider's professional license or certification number, qualification statements or resumes, and, if required by the local governmental entity, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private professional provider's firm, the private professional provider, and any duly authorized representative in the amounts required by subsection (g); and

(C) An acknowledgment from the applicant in substantially the following form:

I have elected to use one or more private professional providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by Tennessee law. I understand that the local governmental entity may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified by law. Instead, plans review and/or required building inspections will be performed by the licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local government entity, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

(c)

(1) An applicant shall submit a copy of the private professional provider's plan review report to the local governmental entity within five (5) days of its completion. Such plan review report must include, at a minimum, the following:

(A) The affidavit of the private professional provider required by subdivision (c)(3);

(B) The applicable fees; and

(C) Any documents required by the local governmental entity and any other documents necessary to determine that the permit applicant has secured all other governmental approvals required by law.

(2) No more than thirty (30) calendar days after receipt of both a permit application and the affidavit from the private professional provider required by subdivision (c)(3), the local governmental entity shall issue the requested permit or provide written notice to the permit applicant identifying the specific plan features that do not comply with the applicable code's regulatory requirements, as well as the specific code chapters and sections of such regulatory requirements. If the local governmental entity does not provide a written notice of the plan deficiencies within ten (10) calendar days of receipt of the application and affidavit, then the permit application is approved as a matter of law and the permit must be issued by the local government entity at the end of the thirty-day period.

(3) A private professional provider performing plan reviews under this subsection (c) shall review plans to determine compliance with all applicable regulatory requirements. Upon determining that the plans reviewed comply with the applicable regulatory requirements, the private professional provider shall prepare an affidavit or affidavits on a form adopted by the local governmental entity certifying under oath that the following is true and correct to the best of such private professional provider's knowledge and belief and in accordance with the applicable professional standard of care:

(A) The plans were reviewed by the private professional provider who is duly authorized to perform plan review pursuant to this section and who holds the appropriate license or certifications and insurance coverage stipulated in this section;

(B) The plans comply with all applicable regulatory requirements;

and

(C) The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the submittal process and do not make a change to the project reviewed for such approvals.

(d) Upon completion of all required inspections, a private professional provider shall prepare a certificate of compliance, on a form acceptable to the local government entity, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by the private provider or may be electronically transmitted to the local governmental entity:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(e) A plan review or inspection conducted by a private professional provider pursuant to this section must be no less extensive than plan reviews or inspections conducted by local governmental entity personnel.

(f) The applicant retaining a private professional provider to conduct a plan review or an inspection shall pay to the local government that requires the plan review or inspection the entirety of the charges that would have been required had the plan review or inspection been conducted by the local governmental entity.

(g) All private professional providers providing plan review or inspection services pursuant to this section shall secure and maintain insurance coverage for professional

liability (errors and omissions) insurance. The limits of such insurance must not be less than one million dollars (\$1,000,000) per claim and one million dollars (\$1,000,000) in aggregate coverage for any project with a construction cost of five million dollars (\$5,000,000) or less and two million dollars (\$2,000,000) per claim and two million dollars (\$2,000,000) in aggregate coverage for any project with a construction cost of more than five million dollars (\$5,000,000). Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, then the policy must contain prior acts coverage for the private professional provider. If the insurance is project-specific, then the policy must continue in effect for two (2) years following the issuance of the certificate of final completion for the project. The permit applicant shall verify compliance with the insurance requirements of this subsection (g).

(h) A person who is not registered pursuant to title 62 but is employed by a private professional provider and performing inspections under the authority of the private professional provider, must possess and maintain International Code Council (ICC) certification in all areas of inspection that the person performs.

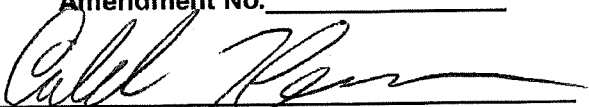
(i) A local enforcement agency, local governmental entity, or local government may establish, for private professional providers working within that jurisdiction, a system of registration listing the private professional providers within their stated areas of competency.

(j) The private professional provider may perform any plan review or inspection required by the local governmental entity, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required to determine compliance with all regulatory requirements and for the issuance of a permit or certificate of occupancy by the governing authority of a county or municipality; provided, that the plan review or inspection is within the scope of the private professional provider's area of competency. This section does not authorize a private professional

provider to issue a certificate of occupancy. No entity other than a local governmental entity may issue a certificate of occupancy.

(k) The applicant retaining a private professional provider shall ensure that neither the applicant or private professional provider is placed in a position where, in the reasonable opinion of the local government entity, there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the private professional provider and the duties owed to the local government entity under the provisions of the permit or inspection sought. The applicant retaining a private professional provider, as well as the private professional provider, shall disclose to the local governmental entity full particulars of any such conflict of interest which may arise.

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

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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**AMEND Senate Bill No. 1050**

**House Bill No. 468\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-4-110, is amended by adding the following new subsection:

(h) Notwithstanding this section or another law to the contrary, the proceeds from a tax levied pursuant to this section upon the occupancy of a short-term rental unit secured through a short-term rental unit marketplace that are distributed to the metropolitan government by the department of revenue pursuant to § 67-4-1506, shall be deposited into an account created by the metropolitan government pursuant to an ordinance and used exclusively for promoting affordable housing for residents of limited means within the county. The remaining proceeds must be used as otherwise provided by law.

SECTION 2. This act takes effect July 1, 2023, 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. 1050**

**House Bill No. 468\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-4-110, is amended by adding the following new subsection:

(h) Notwithstanding this section or another law to the contrary, the proceeds from a tax levied pursuant to this section upon the occupancy of a short-term rental unit secured through a short-term rental unit marketplace that are distributed to the metropolitan government by the department of revenue pursuant to § 67-4-1506, may be deposited into an account created by the metropolitan government pursuant to an ordinance and used exclusively for promoting affordable housing for residents of limited means within the county. The remaining proceeds must be used as otherwise provided by law.

SECTION 2. This act takes effect July 1, 2023, 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. 1000**

**House Bill No. 1046\***

by deleting all language after the enacting clause and substituting:

SECTION 1. This act may be cited as the "Tennessee Rural and Workforce Housing Act."

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 23, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Eligibility statement" means a statement authorized and issued by the agency certifying that the owner of a qualified project is eligible for a Tennessee rural and workforce housing tax credit;

(2) "Federal housing tax credit" means the low-income housing credit as provided in Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended;

(3) "Project" means a housing project that has restricted rents that do not exceed thirty percent (30%) of the renter's income for:

(A) At least forty percent (40%) of its units occupied by persons or families having incomes of sixty percent (60%) or less of the median income; or

(B) At least twenty percent (20%) of the units occupied by persons or families having incomes of fifty percent (50%) or less of the median income;



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(4) "Qualified project" means a qualified low-income building, as that term is defined in Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended, located in this state and placed in service after January 1, 2025, that receives a federal housing tax credit allocation from the agency for a project;

(5) "Taxpayer" means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to liability for any state fee, premium, tax, or other charge pursuant to title 56, chapter 4, or title 67; and

(6) "Tennessee rural and workforce housing tax credit" means the credit created by this section against liability for a state fee, premium, tax, or other charge.

(b)

(1) The owner of a qualified project may claim as a credit against taxpayer liability for a state fee, premium, tax, or other charge imposed by title 56, chapter 4, or title 67, an amount not to exceed the federal housing tax credit allocated by the agency to the qualified project. The credit created by this subsection (b) is known as the "Tennessee rural and workforce housing tax credit."

(2) A Tennessee rural and workforce housing tax credit may be allocated among some or all of the partners, members, or shareholders of the business entity or association owning the qualified project, in any manner agreed to by such business entity or association, regardless of whether such business entities or associations are allocated or allowed any portion of the federal housing tax credit with respect to the qualified project.

(3) The total amount of the Tennessee rural and workforce housing tax credit that may be claimed pursuant to this section for a taxable year may not exceed a taxpayer's liability. Any unused tax credit may be carried forward to

apply to a taxpayer's next five (5) succeeding years' liability. A taxpayer may not apply the credit against a prior tax years' liability.

(4)

(A) If under Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended, a portion of a federal housing tax credit taken on a qualified project is required to be recaptured, the taxpayer claiming a Tennessee rural and workforce housing tax credit with respect to such qualified project shall recapture a portion of the Tennessee rural and workforce housing tax credit. The state recapture amount is equal to the proportion of the Tennessee rural and workforce housing tax credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal housing tax credit amount subject to recapture.

(B) If the recapture of a Tennessee rural and workforce housing tax credit is required, the taxpayer shall submit an amended return to the applicable department or agency, which includes the proportion of the Tennessee rural and workforce housing tax credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of tax credit previously allocated to such taxpayer.

(5) Upon application or request, the agency shall issue an eligibility statement to the owner of a qualified project to submit with the applicable department or agency imposing any state fee, premium, tax, or other charge as provided for herein.

(c) The agency may promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. If any provision of this act, or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

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

Amendment No. \_\_\_\_\_

*Kevin Vaughan*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1000**

**House Bill No. 1046\***

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Rural and Workforce Housing Act."

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 23, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Eligibility statement" means a statement authorized and issued by the agency certifying that the owner of a qualified project is eligible for a Tennessee rural and workforce housing tax credit;

(2) "Federal housing tax credit" means the low-income housing credit as provided in Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended;

(3) "Project" means a housing project that has restricted rents that do not exceed thirty percent (30%) of the renter's income for:

(A) At least forty percent (40%) of its units occupied by persons or families having incomes of sixty percent (60%) or less of the area median income; or

(B) At least twenty percent (20%) of the units occupied by persons or families having incomes of fifty percent (50%) or less of the area median income;



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(4) "Qualified project" means a qualified low-income building, as that term is defined in Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended, located in this state and placed in service after January 1, 2025, that receives a federal housing tax credit allocation from the agency for a project;

(5) "Taxpayer" means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to liability for any state fee, premium, tax, or other charge pursuant to title 56, chapter 4, or title 67; and

(6) "Tennessee rural and workforce housing tax credit" means the credit created by this section against liability for any state fee, premium, tax, or other charge.

(b)

(1) The owner of a qualified project may claim as a credit against taxpayer liability for a state fee, premium, tax, or other charge imposed by title 56, chapter 4, or title 67, an amount not to exceed the federal housing tax credit allocated by the agency to the qualified project. The credit created by this subsection (b) is known as the "Tennessee rural and workforce housing tax credit."

(2) A Tennessee rural and workforce housing tax credit may be allocated among some or all of the partners, members, or shareholders of the business entity or association owning the qualified project, in any manner agreed to by such business entity or association, regardless of whether such business entities or associations are allocated or allowed any portion of the federal housing tax credit with respect to the qualified project.

(3) The total amount of the Tennessee rural and workforce housing tax credit that may be claimed pursuant to this section for a taxable year must not exceed a taxpayer's liability. Any unused tax credit may be carried forward to

apply to a taxpayer's next five (5) succeeding years' liability. A taxpayer shall not apply the credit against a prior tax years' liability.

(4)

(A) If, under Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. § 42), as amended, a portion of a federal housing tax credit taken on a qualified project is required to be recaptured, then the taxpayer claiming a Tennessee rural and workforce housing tax credit with respect to such qualified project shall recapture a portion of the Tennessee rural and workforce housing tax credit. The state recapture amount is equal to the proportion of the Tennessee rural and workforce housing tax credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal housing tax credit amount subject to recapture.

(B) If the recapture of a Tennessee rural and workforce housing tax credit is required, then the taxpayer shall submit an amended return to the applicable department or agency, which includes the proportion of the Tennessee rural and workforce housing tax credit required to be recaptured, the identity of each taxpayer subject to the recapture, and the amount of tax credit previously allocated to such taxpayer.

(5) Upon application or request, the agency shall issue an eligibility statement to the owner of a qualified project to submit with the applicable department or agency imposing any state fee, premium, tax, or other charge as provided for herein.

(c) The total amount of all Tennessee rural and workforce housing tax credits that may be allocated in any fiscal year must not exceed seventeen million dollars (\$17,000,000), plus the total of all unallocated tax credits, if any, for any preceding



years, and the total amount of any previously allocated tax credits that have been recaptured, revoked, canceled, or otherwise recovered but not otherwise reallocated.

(d) The agency shall allocate Tennessee rural and workforce housing tax credits pursuant to uniform criteria that in the agency's discretion promote the highest value and greatest public benefit; provided, that no less than fifty percent (50%) of the Tennessee rural and workforce housing tax credits must be allocated to qualified projects in an eligible rural area as designated by the United States department of agriculture.

(e) The agency may promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. If any provision of this act, or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

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

Amendment No. \_\_\_\_\_

CBW  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 954**

**House Bill No. 674\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 27, is amended by adding the following as a new part:

**66-27-801.**

As used in this part, "homeowner's association" has the same meaning as defined in § 66-27-701.

**66-27-802.**

(a)

(1) On or before July 1, 2024, and every three (3) years thereafter, a homeowner's association of a gated subdivision must obtain a written assessment of the subdivision's security vulnerabilities.

(2) The written assessment required by this subsection (a) must be performed by an independent contractor reasonably qualified to perform security assessments, such as a private security firm or contractor, a retired law enforcement officer, or other qualified individual or firm. The written assessment must include recommended measures to remediate any vulnerabilities.

(b) Within thirty (30) days of receipt of the completed security assessment required by subsection (a), the homeowner's association shall provide each household in the subdivision with an unabridged copy of the written assessment. The copies of the written assessment may be delivered through the management company for the



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homeowner's association and may be delivered by electronic mail or regular mail delivery.

(c) Within seven (7) days of being made aware of any crime that has been committed or reported within the subdivision, the homeowner's association shall notify each household in the subdivision of the crime. The notification may be made through the management company for the homeowner's association and may be made by electronic mail.

(d) This section only applies to homeowner's associations of gated subdivisions in a county having a population of more than two hundred forty-seven thousand seven hundred (247,700), according to the 2020 federal census or any subsequent federal census.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Justin J. Pearson*  
\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1340**

**House Bill No. 1509\***

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

SECTION 1. Tennessee Code Annotated, Section 67-5-501(4), is amended by deleting the subdivision and substituting instead the following:

(4) "Industrial and commercial property" includes:

(A) All property of every kind used, directly or indirectly, or held for use, for any commercial, mining, industrial, manufacturing, trade, professional, club whether public or private, nonexempt lodge, business, or similar purpose, whether conducted for profit or not;

(B) All real property that is used, or held for use, for dwelling purposes that contains two (2) or more rental units; and

(C) Real property that is a single family home used, or held for use, for rental purposes if owned by a person, as defined in § 67-5-1004, who owns fifty (50) or more such homes used, or held for use, for rental purposes in the same county;

SECTION 2. Tennessee Code Annotated, Section 67-5-501(11), is amended by deleting the subdivision and substituting instead the following:

(11) "Residential property" includes all real property that is used, or held for use, for dwelling purposes and that contains not more than one (1) rental unit, except that the following real property that is used, or held for use, for dwelling purposes, is defined and classified as "industrial and commercial property":



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(A) Real property that is used, or held for use, for dwelling purposes that contains two (2) or more rental units; and

(B) Real property that is a single family home used, or held for use, for rental purposes if owned by a person, as defined in § 67-5-1004, who owns fifty (50) or more such homes used, or held for use, for rental purposes in the same county;

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and applies to tax years beginning on or after January 1, 2024.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1490**

**House Bill No. 899\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) If the wildlife resources agency contracts with a farmer to farm lands owned or under the control of this state under § 70-1-302(a)(6) or another law, not less than sixty (60) days before the expiration of the contract, the agency shall offer the farmer the opportunity to renegotiate the contract with the agency prior to accepting requests for proposals for the contract.

(b) If the farmer and the agency agree to renew the contract, then the farmer may renew the contract for an additional three (3) five-year terms if the farmer and agency are able to agree to terms during each renewal period; provided, that, if the farmer has been under contract with the agency for twenty (20) or more consecutive years, upon the expiration of the next term of the contract, the farmer is not entitled to renegotiate the contract with the agency prior to the agency accepting requests for proposals for the contract.

(c) Subsection (b) does not prohibit a farmer from bidding on a contract after being under contract with the agency for twenty (20) or more consecutive years.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts executed, amended, or renewed on or after such date.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1151**

**House Bill No. 1247\***

by deleting SECTION 1(b)(2) and substituting:

(2) Subdivision (b)(1) does not apply to:

(A) The housing or hospitalization of an illegal alien in a hospital or facility  
licensed under Title 33 or 68, or a jail, prison, or other correctional institution;

(B) An illegal alien in the legal custody or under the guardianship of the  
department of children's services; or

(C) An illegal alien residing at a special school operated by the department of  
education pursuant to title 49, chapter 50, part 10.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 776\***

**House Bill No. 1070**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-56-101, is amended by adding the following as new subdivisions:

( ) "Drone" means a powered, aerial vehicle that:

(A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable;

( ) "Law enforcement agency" means a lawfully established state 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;

( ) "State agency" means a board, commission, committee, department, office, or another entity of this state;

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 56, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding § 39-13-902 or other law, a state agency shall not purchase or acquire a drone, as defined in the federal National Defense Authorization Act of 2019 (Pub. L. No. 115-232), produced by a manufacturer banned under Section 889 of the National Defense Authorization Act of 2019, as amended.



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(b) A contract or agreement for the purchase or acquisition of a drone in violation of this section is void and unenforceable.

SECTION 3. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Agency" means a local agency or law enforcement agency;

(2) "Drone" means a powered, aerial vehicle that:

(A) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable;

(3) "Law enforcement agency" means a lawfully established local 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; and

(4) "Local agency" means a county, municipality, branch, or agency of a county or municipality, public utility, utility district, or an entity created pursuant to an interlocal agreement.

(b) Notwithstanding § 39-13-902 or another law, an agency shall not purchase or acquire a drone, as defined in the federal National Defense Authorization Act of 2019 (Pub. L. No. 115-232), produced by a manufacturer banned under Section 889 of the National Defense Authorization Act of 2019, as amended.

(c) A contract or agreement for the purchase or acquisition of a drone in violation of this section is void and unenforceable.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to contracts or agreements entered into, amended, or renewed, on or after that date.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 917\***

**House Bill No. 1091**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 69-9-216, is amended by adding the following new subsection (h) and redesignating the existing subsection (h) accordingly:

(h)

(1) Notwithstanding § 69-9-218(a)(3), it is a violation of this chapter, subject to the penalties in § 69-9-219, for a person to travel at a speed greater than a no-wake speed within the no-wake zones established by the agency pursuant to rules promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The agency may extend a no-wake zone up to five hundred feet (500') from a commercial dock or marina, to be marked with buoys, if such no-wake zone extension would be in the best interest of boating safety.

(3) This subsection (h) does not prevent prosecution of a person for a violation of § 69-9-218(a)(3), or another applicable law.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 1327**

**House Bill No. 594\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-3-303, is amended by adding the following new subsection (d):

(d)

(1) Notwithstanding another law to the contrary, the metropolitan council or beer board of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall not, within a tourism development zone, regulate the sale of beer, as defined in § 57-5-101, or other alcoholic beverages, as defined in § 57-4-102, for on-premises consumption by a licensee who holds a license to sell alcoholic beverages for consumption on the premises within the zone issued pursuant to title 57, chapter 4. The alcoholic beverage commission has the exclusive authority to regulate the sale of beer and alcoholic beverages within the boundaries of the zone within the metropolitan government. The commission shall employ an amount of regulatory and law enforcement staff sufficient to adequately enforce this subsection (d) as determined by the commission.

(2) As used in this subsection (d), "tourism development zone" and "zone" mean the tourism development zone created pursuant to chapter 88 of this title in a metropolitan government with a population of more than five



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hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following new subsection:

(q) Notwithstanding another law to the contrary, a person holding a license issued under this chapter within the boundaries of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may sell beer for on-premises consumption solely pursuant to such license issued under this chapter. A permit or license other than the license issued under this chapter is not required for the licensed establishment to engage in such sales of beer for on-premises consumption and the issuer of that license has the authority to enforce all laws related to such sales.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

**Amendment No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 550**

**House Bill No. 449\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-44-103, is amended by adding the following new subsection (d):

(d) A governmental body may use a secure internet website of the governmental body to post notices of public meetings. If the governmental body publishes an e-newsletter or its notices online, then the governmental body shall establish a mechanism by which a person may sign up to receive such notices and e-newsletters by electronic mail, or, alternatively, to receive a hardcopy by regular mail. A governmental body is not required to respond to a request to receive a notice or e-newsletter under this subsection (d) if the request is made in bad faith.

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



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Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 1327**

**House Bill No. 594\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-3-303, is amended by adding the following new subsection (d):

(d) Notwithstanding another law to the contrary, the metropolitan council or beer board of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, shall not, within a central business improvement district (CBID) established in 1999, regulate the sale of beer, as defined in § 57-5-101, or other alcoholic beverages, as defined in § 57-4-102, for on-premises consumption by a licensee who holds a license to sell alcoholic beverages for consumption on the premises within the CBID issued pursuant to title 57, chapter 4. The alcoholic beverage commission has the exclusive authority to regulate the sale of beer and alcoholic beverages within the boundaries of the CBID within the metropolitan government. The commission shall employ an amount of regulatory and law enforcement staff sufficient to adequately enforce this subsection (d) as determined by the commission.

SECTION 2. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following new subsection:

(q) Notwithstanding another law to the contrary, a person holding a license issued under this chapter within the boundaries of a metropolitan government with a population of more than five hundred thousand (500,000), according to the 2020 federal census or a subsequent federal census, may, within a central business improvement



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district (CBID) established in 1999, sell beer for on-premises consumption solely pursuant to such license issued under this chapter. A permit or license other than the license issued under this chapter is not required for the licensed establishment to engage in such sales of beer for on-premises consumption within the CBID and the issuer of that license has the authority to enforce all laws related to such sales within the CBID.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

**Amendment No.** \_\_\_\_\_

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**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1426**

**House Bill No. 1004\***

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

SECTION 6. Tennessee Code Annotated, Section 70-1-201(b)(1), is amended by deleting the language "each member" and substituting instead the language "members appointed by the governor".



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Amendment No. \_\_\_\_\_

*Patsy Haglewood*

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 292**

**House Bill No. 275\***

by deleting the amendatory language in SECTION 1 and substituting the following:

(g)

(1) Except as otherwise provided in subdivision (g)(2), a program established pursuant to this section shall not conduct an exchange within one thousand feet (1,000') of a school or public park.

(2) A program established pursuant to this section in a municipality having a population of not less than fifty-five thousand four hundred forty (55,440) nor more than fifty-five thousand four hundred fifty (55,450), according to the 2020 federal census or a subsequent federal census, shall not conduct an exchange within two thousand feet (2,000') of a school or public park.



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Amendment No. \_\_\_\_\_

*Willie L. Miller*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 277\***

**House Bill No. 325**

by deleting all language after the enacting clause and substituting:

SECTION 1. Chapter 1030 of the Public Acts of 2018, is amended by deleting

SECTION 9.

SECTION 2. Tennessee Code Annotated, Section 63-1-164(a), is amended by adding the following as a new subdivision:

( ) "Recent cancer treatment" means treatment for which a patient has concluded active cancer treatment within the immediately preceding six (6) months;

SECTION 3. Tennessee Code Annotated, Section 63-1-164(d)(1), is amended by adding the following as a new subdivision:

(C) After issuing an initial prescription to a patient for an opioid in a manner that complies with subdivision (d)(1)(A), the healthcare practitioner who issued the initial prescription is not required to obtain and document informed consent as required under subdivision (d)(1)(A)(iv) if the subsequent prescription is for the same opioid and for the same episode of treatment. Notwithstanding this subdivision (d)(1)(C), informed consent must be updated periodically during any course of treatment.

SECTION 4. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Obtains informed consent, except as provided in subdivision (d)(1)(C),".

SECTION 5. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:



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(1) The treatment of patients who are undergoing active cancer treatment, have undergone recent cancer treatment, are undergoing palliative care treatment, or are receiving hospice care;

SECTION 6. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the subsection and substituting instead:

(f) By November 1, 2024, and by each November 1 of each even-numbered year thereafter, the commissioner of health, in consultation with the regulatory boards created pursuant to this title that license healthcare practitioners, shall provide a written update to the governor, the health and welfare committee of the senate, and the health committee of the house of representatives. The written update must include information on the impact and effects of the restrictions set forth in this section and may include recommendations for revisions to the restrictions on the prescription of opioids.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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| Comm. Amdt. _____ |

**AMEND Senate Bill No. 277\***

**House Bill No. 325**

by inserting the following new sections immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 63-1-164(a), is amended by adding the following as a new subdivision:

( ) "Recent cancer treatment" means six (6) months following the end of an active cancer treatment;

SECTION 3. Tennessee Code Annotated, Section 63-1-164(d)(1), is amended by adding the following as a new subdivision:

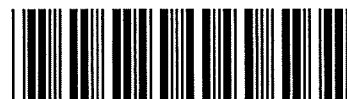
(C) After issuing an initial prescription to a patient for an opioid in a manner that complies with subdivision (d)(1)(A), the healthcare practitioner who issued the initial prescription is not required to obtain and document informed consent as required under subdivision (d)(1)(A)(iv) if the subsequent prescription is for the same opioid and for the same episode of treatment. Notwithstanding this subdivision (d)(1)(C), informed consent must be updated periodically during any course of treatment.

SECTION 4. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Obtains informed consent, except as provided in subdivision (d)(1)(C),".

SECTION 5. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:



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(1) The treatment of patients who are undergoing active cancer treatment or recent cancer treatment, undergoing palliative care treatment, or are receiving hospice care;

SECTION 6. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the subsection and substituting the following:

(f) The commissioner of health, in consultation with the regulatory boards created pursuant to this title that license healthcare practitioners, shall provide a letter no later than November 1 of each even-numbered year to the governor, the speaker of the senate, the speaker of the house of representatives, the health and welfare committee of the senate, and the health committee of the house of representatives that includes updated information on the impact and effects of the restrictions set forth in this section. The letter may include recommendations for revisions to the restrictions on the prescription of opioids.

Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 277\***

**House Bill No. 325**

by inserting the following new sections immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION 2. Tennessee Code Annotated, Section 63-1-164(a), is amended by adding the following as a new subdivision:

( ) "Recent cancer treatment" means six (6) months following the end of an active cancer treatment;

SECTION 3. Tennessee Code Annotated, Section 63-1-164(d)(1), is amended by adding the following as a new subdivision:

(C) After issuing an initial prescription to a patient for an opioid in a manner that complies with subdivision (d)(1)(A), the healthcare practitioner who issued the initial prescription is not required to obtain and document informed consent as required under subdivision (d)(1)(A)(iv) if the subsequent prescription is for the same opioid and for the same episode of treatment. Notwithstanding this subdivision (d)(1)(C), informed consent must be updated periodically during any course of treatment.

SECTION 4. Tennessee Code Annotated, Section 63-1-164(d)(1)(A)(iv), is amended by deleting the language "Obtains informed consent" and substituting "Obtains informed consent, except as provided in subdivision (d)(1)(C),".

SECTION 5. Tennessee Code Annotated, Section 63-1-164(e)(1), is amended by deleting the subdivision and substituting:



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(1) The treatment of patients who are undergoing active cancer treatment, have undergone recent cancer treatment, are undergoing palliative care treatment, or are receiving hospice care;

SECTION 6. Tennessee Code Annotated, Section 63-1-164(f), is amended by deleting the subsection and substituting the following:

(f) The commissioner of health, in consultation with the regulatory boards created pursuant to this title that license healthcare practitioners, shall provide a letter no later than November 1 of each even-numbered year to the governor, the speaker of the senate, the speaker of the house of representatives, the health and welfare committee of the senate, and the health committee of the house of representatives that includes updated information on the impact and effects of the restrictions set forth in this section. The letter may include recommendations for revisions to the restrictions on the prescription of opioids.

House Insurance 1

Amendment No. 1 to HB0498

Kumar  
Signature of Sponsor

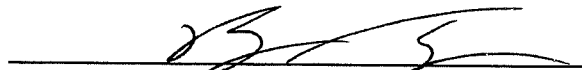
**AMEND Senate Bill No. 721**

**House Bill No. 498\***

by deleting from SECTION 2 the language "or via telehealth" and substituting "or solely via telehealth".



Amendment No. \_\_\_\_\_

  
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Signature of Sponsor

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**AMEND Senate Bill No. 329\***

**House Bill No. 514**

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

SECTION 1. Tennessee Code Annotated, Section 68-7-103(a)(3), is amended by adding the language "and with at least one (1) member being a patient who has been diagnosed with a qualifying medical disease or condition and who can establish the diagnosis for purposes of appointment to and service on the commission with a valid letter of attestation" immediately after the language "grand division".

SECTION 2. For purposes of appointing a patient to the commission for a term that begins on July 1, 2023, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 560\***

**House Bill No. 584**

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by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new subsection:

(l)

(1) This section does not prohibit a hospital or an affiliated entity from employing an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The satellite emergency department, primary care clinic, or urgent care clinic is located:

(i) In a county that:

(a) Borders the neighboring state and contiguous county in which the hospital is located;



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(b) Is designated as an economically distressed or at-risk county by the department of economic and community development, as updated annually;

(c) Has a population of less than twenty-seven thousand (27,000), according to the 2020 federal census or a subsequent federal census; and

(d) Had a hospital in the county close within eight (8) years before the date healthcare services are initiated at the satellite emergency department, primary care clinic, or urgent care clinic; and

(ii) Less than twenty (20) miles from a hospital designated as a Level I, II, or III trauma center in the neighboring state, but more than fifty (50) miles from a hospital designated as a Level I, II, or III trauma center in this state;

(C) The physician is licensed to practice medicine in this state;

and

(D) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (l)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (l), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

SECTION 2. Tennessee Code Annotated, Section 68-11-205, is amended by adding the following as a new subsection:

(g)

(1) Notwithstanding this section or another law, a hospital or an affiliated entity may employ an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state and owned or controlled by the hospital or affiliated entity, if:

(A) The hospital:

(i) Is located in a neighboring state in a county contiguous to this state;

(ii) Is licensed by the appropriate healthcare facility licensing authority in that state; and

(iii) Holds a valid certificate of need for a satellite emergency department in this state;

(B) The satellite emergency department, primary care clinic, or urgent care clinic is located:

(i) In a county that:

(a) Borders the neighboring state and contiguous county in which the hospital is located;

(b) Is designated as an economically distressed or at-risk county by the department of economic and community development, as updated annually;

(c) Has a population of less than twenty-seven thousand (27,000), according to the 2020 federal census or a subsequent federal census; and

(d) Had a hospital in the county close within eight (8) years before the date healthcare services are initiated at the satellite emergency department, primary care clinic, or urgent care clinic; and

(ii) Less than twenty (20) miles from a hospital designated as a Level I, II, or III trauma center in the neighboring state, but more than fifty (50) miles from a hospital designated as a Level I, II, or III trauma center in this state;

(C) The physician is licensed to practice medicine in this state;

and

(D) The employment relationship with the physician is evidenced by a written contract, job description, or other documentation containing language that does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients.

(2) A hospital or affiliated entity that employs a physician pursuant to subdivision (g)(1) is not deemed to be engaged in the practice of medicine.

(3) As used in this subsection (g), "affiliated entity" means an entity that is directly or indirectly controlled by, or is under common control with, the hospital.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

*Ron M. Sant*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 560\***

**House Bill No. 584**

by deleting subdivision (C) in SECTION 1(l)(1) and in SECTION 2(g)(1) and substituting instead:

(C) The physician is:

- (i) Licensed to practice medicine in this state; and
- (ii) Employed at the hospital in the neighboring state; and



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 675**

**House Bill No. 667\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 5, is amended by deleting the part and substituting:

**63-10-501. Short title.**

This part is known and may be cited as the "Kevin Clauson Drug Donation Act."

**63-10-502. Part definitions.**

As used in this part:

- (1) "Anti-rejection drug" means a prescription drug that suppresses the immune system to prevent or reverse rejection of a transplanted organ;
- (2) "Board" means the board of pharmacy;
- (3) "Cancer drug" means a prescription drug that is used to treat:
  - (A) Cancer or the side effects of cancer; or
  - (B) The side effects of a prescription drug that is used to treat cancer or the side effects of cancer;
- (4) "Controlled substance" has the same meaning as defined in § 39-17-402;
- (5) "Department" means the department of health;
- (6) "Donor" means any of the following with a license or permit in good standing in the state in which the person or entity is located and that donates prescription drugs to a repository program approved pursuant to this part:
  - (A) A person;



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(B) A pharmacy;

(C) A medical facility;

(D) A drug manufacturer or wholesaler licensed by the board; or

(E) A prison or government entity federally authorized to possess prescription drugs;

(7) "Eligible individual" means an indigent, an uninsured person, or an underinsured person who meets the criteria for eligibility pursuant to this part;

(8) "Indigent" means a person with an income that is below six hundred percent (600%) of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services;

(9) "Medical facility" means:

(A) A physician's office;

(B) A hospital;

(C) A health clinic;

(D) A nonprofit health clinic, including a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B); a rural health clinic, as defined in 42 U.S.C. § 1396d(l)(1); and a nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured;

(E) A free clinic as defined in § 63-6-703;

(F) A charitable organization as defined in § 48-101-501; or

(G) A nursing home as defined in § 68-11-201;

(10) "Pharmacy" means a pharmacy as defined in § 63-10-204;

(11) "Prescription drug":

(A) Has the same meaning as defined in § 63-10-204;



(B) Includes, but is not limited to, cancer drugs and anti-rejection drugs; and

(C) Does not include:

(i) Controlled substances; or

(ii) Drugs covered by the risk evaluation and mitigation strategy program of the United States food and drug administration;

(12) "Repository" means a pharmacy that:

(A) Has a license or permit in good standing with the board; and

(B) Meets the requirements established by § 63-10-503;

(13) "Supplies" means the supplies necessary to administer the prescription drugs donated pursuant to this part; and

(14) "Unopened tamper-evident packaging" has the same meaning as defined in United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements.

**63-10-503. Prescription drug donation repository program.**

(a) A pharmacy may elect to participate in the prescription drug donation repository program by providing written notification to the department of the following:

(1) The name, street address, and telephone number of the pharmacy and the license or registration number issued by the board;

(2) The name, telephone number, and pharmacy license number of the responsible pharmacist who is employed, or under contract, with the repository; and

(3) A statement signed and dated by the responsible pharmacist indicating that the repository meets the eligibility requirements and will comply with the program.

(b) The repository shall develop and implement standards and procedures to determine, based on basic visual inspection, that the prescription drugs appear to be unadulterated, safe, and suitable for dispensing.

(c) Donated prescription drugs must be in unopened tamper-evident packaging. However, drugs packaged in single use doses may be accepted and dispensed when the outside packaging is opened if the single unit dose packaging is undisturbed.

(d) Donations of prescription drugs and supplies may be made on the premises of, or mailed to, a repository that participates in the program.

(e) A repository may receive, accept, replenish, repackage, and store donated prescription drugs and supplies in accordance with this part.

(f) Donation and facilitation of a donation are not considered wholesale distribution, and a person donating or facilitating a donation does not require licensure as a wholesaler.

(g) Repositories shall prioritize dispensing of donated prescription drugs and supplies as follows:

(1) First, to an indigent person;

(2) Second, to a person who has no prescription insurance or cannot afford the out-of-pocket expenses for the prescription drug or supplies prescribed; and

(3) Lastly, to another individual if an indigent, uninsured, or underinsured person is unavailable.

(h) A repository shall not charge or collect fees from an eligible individual for prescription drugs or supplies dispensed pursuant to the program. However, a repository may charge a handling fee for each donated prescription drug or supply that is dispensed.

(i) A repository may charge fees, including, but not limited to, a usual and customary charge, to donors, eligible individuals, health plans, pharmacy benefit managers, drug manufacturers, veterans' affairs hospitals, and government agencies.

(j) A repository that receives donated prescription drugs or supplies may distribute the donated prescription drugs or supplies to another repository for use pursuant to the program or to similar repository programs in other states.

(k) Participation in the program is voluntary.

**63-10-504. Acceptance and dispensing of donated prescription drugs and supplies.**

Prescription drugs or supplies may be accepted and dispensed under the prescription drug donation repository program in accordance with the following:

(1) Prior to the first donation from a new donor, a repository shall verify and record the following:

(A) The person or entity qualifies as a donor as defined in § 63-10-502;

(B) The donor's name, address, phone number, and license number, if applicable; and

(C) That the donor will only make donations in accordance with this part;

(2) A licensed pharmacist employed, or under contract, with the program shall inspect donated prescription drugs and supplies prior to dispensing to determine if the donated prescription drugs and supplies are suitable for dispensing pursuant to this section;

(3) Repositories shall store donated prescription drugs and supplies in a secure area in compliance with all United States food and drug administration and United States Pharmacopeia packaging and storage requirements;

(4) Donated prescription drugs and supplies must be physically or electronically separated from non-donated prescription drugs and supplies;

(5) Repositories shall redact donor information from the packaging of donated prescription drugs and supplies prior to dispensing;

(6) Donated prescription drugs and supplies may be repackaged. Repackaged donated prescription drugs must be relabeled with the drug name, dose, and expiration date;

(7) Repositories shall maintain an electronic inventory of accepted donated prescription drugs and supplies that includes the drug name, national drug code number, quantity, and date of donation;

(8) Repositories shall return or destroy donated prescription drugs or supplies that are not suitable for dispensing;

(9) Repositories shall dispose of donated prescription drugs and supplies by returning to the donor, transferring to a reverse distributor, or incinerating in an incinerator that is approved by the federal environmental protection agency;

(10) The record of transaction history for donated prescription drugs and supplies must be maintained, beginning with the donor, including all prior donations, but not including information that is not required by law to be placed on the prescription drug's label;

(11) An identifier or bar code may be used in place of information required by law for a record or label if the identifier or bar code allows for that information to be readily retrievable;

(12) Repositories shall dispense in compliance with all applicable federal and state laws and regulations for dispensing, labeling, packaging, and record keeping;

(13) An expiration date is required on all dispensed prescription drugs and supplies. If multiple packaged donated drugs are used to fill a single

prescription, then the shortest expiration date must be used for the dispensed prescription;

(14) A donated prescription drug or supply must not be dispensed after its expiration date;

(15) Donated prescription drugs must not expire before the end-use date by the patient based on the prescriber's directions;

(16) Controlled substances are not acceptable for donation and must be disposed of pursuant to regulations promulgated by the federal drug enforcement administration (DEA);

(17) Prescription drugs that are part of a risk evaluation and mitigation strategy (REMS) program of the federal food and drug administration must not be accepted for donation;

(18) Records required pursuant to this section must be retained in physical or electronic format for a period of three (3) years. A donor or repository may contract with one another or a third party to create or maintain records on each other's behalf; and

(19) Donated prescription drugs and supplies may be used to replenish inventory in compliance with applicable provisions of 42 U.S.C. § 256b and regulations promulgated pursuant to that statute.

**63-10-505. Immunity and exemption.**

(a) Except for acts of gross negligence, willful misconduct, or bad faith, a drug manufacturer is not civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the drug manufacturer that is donated under this part, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

(b) Except as provided in subsection (d), a medical facility or another person who is not a drug manufacturer subject to subsection (a) is not civilly liable or subject to criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under this part except due to its own acts of gross negligence, willful misconduct, or bad faith.

(c) Except for acts of gross negligence, willful misconduct, or bad faith, the department of health or the board of pharmacy are not civilly liable or subject to criminal prosecution for injury, death, or loss to a person or property resulting from matters related to the donation, acceptance, distribution, or dispensing of a prescription drug donated pursuant to this part.

(d) The immunity and exemption provided in subsections (b) and (c) do not apply to the following:

(1) The donation, acceptance, distribution, or dispensing of a donated prescription drug under this part by a person if the person's acts or omissions are not performed reasonably and in good faith; or

(2) Acts or omissions outside the scope of the program.

**63-10-506. No restriction on use of samples.**

This part does not restrict the use of samples by a physician or other person legally authorized to prescribe drugs pursuant to this title during the course of the physician's or other person's duties at a medical facility or pharmacy.

**63-10-507. Resale of prescription drugs not authorized.**

This part does not authorize the resale of prescription drugs by any person.

**63-10-508. Dispensing after expiration date prohibited.**

A repository shall not dispense a prescription drug after the expiration date of the drug.

**63-10-509. Donation by long-term care facility.**

Notwithstanding this title, title 68, or any rule, a long-term care facility licensed under title 68 may donate prescription drugs to the repository program established by this part.

**63-10-510. Authority.**

The prescription drug donation repository program is governed by this part. This part supersedes a law or rule inconsistent with this part.

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

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

SECTION 4. This act takes effect January 1, 2024, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 675**

**House Bill No. 667\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

by deleting subdivision (6) from § 63-10-502 in SECTION 1 and substituting:

(6) "Donor" means any of the following that donates prescription drugs to a repository program approved pursuant to this part:

(A) A person;

(B) A pharmacy;

(C) A medical facility;

(D) A drug manufacturer or wholesaler licensed by the board; or

(E) A prison or government entity federally authorized to possess

prescription drugs with a license or permit in good standing in the state in which the entity is located;



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 296\***

**House Bill No. 779**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-211(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as subdivision (a)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (a)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 2. Tennessee Code Annotated, Section 63-9-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, then the board shall, within forty-five (45) days from the date the board receives the completed application:



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(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 3. Tennessee Code Annotated, Section 63-7-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 4. Tennessee Code Annotated, Section 63-7-110(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another state or territory, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 5. Tennessee Code Annotated, Section 63-19-105(b), is amended by designating the existing language as subdivision (b)(1) and adding the following as subdivision (b)(2):

(2)

(A) When the board receives a completed application for licensure from an applicant who is licensed in another jurisdiction, then the board shall, within forty-five (45) days from the date the board receives the completed application:

(i) Render a decision on the application; or

(ii) Inform the applicant of the need to appear before the board.

(B) As used in this subdivision (b)(2), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 6. Tennessee Code Annotated, Section 68-24-602, is amended by adding the following as a new subsection (c):

(c)

(1) When the board receives a completed application for initial licensure or a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, the the board shall, within sixty (60) days from the date the board receives the completed application:

(A) Render a decision on the application; or

(B) Inform the applicant of the need to appear before the board.

(2) As used in this subsection (c), "completed application" means an application that satisfies all statutory and board rule requirements.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it, and applies to applications submitted on or after the effective date of this act.

House Health Subcommittee Am. #1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 799**

**House Bill No. 859\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-140-319, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) The department of health may disclose de-identified data that is collected pursuant to subsection (a), including for the purpose of providing opioid overdose response and resources throughout this state.

SECTION 2. This act takes effect upon becoming a law, 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. 669\***

**House Bill No. 981**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-140-303, is amended by deleting the section and substituting the following:

(a) There is created and established the Tennessee emergency medical services board by transfer and expansion of the duties and responsibilities of the EMS advisory council. The board consists of thirteen (13) members.

(b) Effective July 1, 2023, the existing membership of the Tennessee emergency medical services board is vacated and reconstituted, with the members of the board to be appointed by the governor as follows:

(1) One (1) physician licensed in this state who acts as the medical director of an ambulance service in this state;

(2) One (1) air-medical registered nurse with an EMS license (emergency medical technician (EMT) or paramedic) in this state;

(3) One (1) representative who is an administrator from a hospital that operates an ambulance service and is licensed to practice in this state under title 63 or this title;

(4) One (1) paramedic who is the director of a private ambulance service in this state;

(5) One (1) paramedic who is the director of a government-based ambulance service in this state;



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(6) One (1) paramedic with medical first response or transport responsibilities who is employed by an ambulance service in this state;

(7) One (1) administrator with a paramedic license who is employed by a fire service in this state that operates a medical first response service or ambulance service;

(8) One (1) paramedic with medical first responder or transport responsibilities that is employed by a fire service in this state;

(9) One (1) official of a county in this state that operates an ambulance service or medical first response service;

(10) One (1) rescue squad member who maintains licensure as emergency medical services personnel;

(11) One (1) program director of an accredited paramedic program taught at an institution of higher education in this state;

(12) One (1) paramedic that is an instructor, coordinator, or program director for an EMT or paramedic program that is taught at an EMS agency in this state; and

(13) A paramedic that holds a community paramedicine endorsement in this state, or a paramedic employed by an agency providing mobile integrated healthcare (MIH) services in this state.

(c) In order to stagger the terms of the newly appointed board members, the governor shall make initial appointments as follows:

(1) The persons appointed under subdivisions (b)(1)-(4) are appointed for terms of one (1) year, which expire on June 30, 2024;

(2) The persons appointed under subdivisions (b)(5)-(7) are appointed for terms of two (2) years, which expire on June 30, 2025;

(3) The persons appointed under subdivisions (b)(8)-(10) are appointed for terms of three (3) years, which expire on June 30, 2026; and

(4) The persons appointed under subdivisions (b)(11)-(13) are appointed for terms of four (4) years, which expire on June 30, 2027.

(d) Members serving on the board as of June 30, 2023, may be reappointed to serve as members after such date.

(e)

(1) Members, except as provided in subsection (c) and those appointed to complete the term of a former member, are appointed to full four-year terms, or until their successors are appointed. In making appointments to the board, the governor shall strive to ensure that at least one (1) member serving on the board is sixty (60) years of age or older, that at least one (1) person serving on the board is a member of a racial minority, and the membership on the board reflects the geographic diversity of the state.

(2) Following the expiration of the members' initial terms as prescribed in subsection (c), all four-year terms begin on July 1, and terminate on June 30, four (4) years thereafter. Vacancies must be filled by appointment of the governor.

(f) The chair must be a member who is elected by the board. The chair may certify the actions of the board.

(g)

(1) The board shall meet at the call of the chair. The chair shall convene at least two (2) meetings per year, and shall convene such other meetings as are necessary to transact the business of the board, or upon receipt of a written request signed by three (3) or more members of the board. Seven (7) members of the board constitute a quorum for the transaction of business at meetings.

(2)

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

(B) The emergency medical services director shall promptly notify, or cause to be notified, the appointing authority of a member who fails to satisfy the attendance requirement as prescribed in subdivision (g)(2)(A).

(h) The members of the board must be paid a per diem of fifty dollars (\$50.00) for attending board meetings and must be reimbursed for their travel expenses incurred in attending board meetings, ad hoc committee activities, or other travel incurred in the performance of their official duties, in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i) The department shall provide administrative services to the board.

(j) The board shall keep accurate minutes of the proceedings of all its meetings, a copy of which must be kept on file in the office of the director and open to public inspection. Rules adopted by the board must be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(k) The commissioner shall appoint the director of the division of emergency medical services within the department.

SECTION 2. Tennessee Code Annotated, Section 4-29-243(a), is amended by deleting subdivision (40).

SECTION 3. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

( ) Tennessee emergency medical services board, created by § 68-140-303;



SECTION 4. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on June 30, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1049**

**House Bill No. 1077\***

by deleting subdivision (b)(4) from § 68-14-728 in SECTION 2 and substituting:

(4) The time period for correction of violations in § 68-14-716(b)(4) does not apply to a farmers market food unit; however, § 68-14-716(b)(1), (3), and (5) do apply to a farmers market food unit; and

**AND FURTHER AMEND** by deleting SECTION 4 and SECTION 5 and substituting:

SECTION 4. Tennessee Code Annotated, Section 68-14-716(b), is amended by adding the following as a new subdivision:

(5) In the case of farmers market food units, all violations of priority items must be corrected immediately whenever possible, and in any event within twenty-four (24) hours.

SECTION 5. The commissioner of health is authorized to promulgate rules to effectuate this act, which may be promulgated as emergency rules pursuant to Tennessee Code Annotated, Section 4-5-208(a)(5). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2024, 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. 937\***

**House Bill No. 1311**

by deleting all language after the caption and substituting:

WHEREAS, it is the intent of the General Assembly to ensure healthcare availability for the general population; and

WHEREAS, there is a well-known physician shortage; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following as a new chapter:

**63-15-101.**

This chapter is known and may be cited as the "Graduate Physicians Act."

**63-15-102.**

As used in this chapter:

(1) "Graduate physician" means a medical school graduate who:

(A) Is a resident and citizen of the United States or a legal resident alien in the United States;

(B) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination (USMLE), or the equivalent of Step 1 and Step 2 of any other medical licensing examination or combination of examinations that is approved by the board of medical examiners or board of osteopathic examination, within the two-year period immediately preceding the date of the person's application for licensure as a graduate



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physician, but not more than three (3) years after graduation from a medical school or school of osteopathic medicine; and

(C) Has not completed an approved postgraduate residency unless, within two (2) years from the date of the graduate's successful completion of Step 2 or its equivalent, the graduate was serving as a resident physician in an accredited residency in the United States and was serving in that capacity for the thirty-day period immediately preceding the date of the graduate's application for licensure as a graduate physician;

(2) "Graduate physician collaborative practice arrangement" means an agreement between a licensed physician and a graduate physician that meets the requirements of this chapter;

(3) "Medical school graduate" means any person who has graduated from a medical school as described in § 63-6-207 or a school of osteopathic medicine as described in § 63-9-104; and

(4) "Primary care services" means medical services in pediatrics, internal medicine, and family medicine.

**63-15-103.**

A graduate physician collaborative practice arrangement must limit the graduate physician to providing primary care services in a:

- (1) Medically underserved rural area of this state;
- (2) Pilot project area established for graduate physicians to practice; or
- (3) Rural health clinic as defined under §§ 1861(aa) and 1905 of the federal Social Security Act (42 U.S.C. §§ 1395x and 1396d, respectively).

**63-15-104.**

(a) A graduate physician is considered a physician assistant for purposes of the regulations of the centers for medicare and medicaid services.

(b) Graduate physicians are subject to the supervision requirements established in any controlling federal law, any supervision requirements provided in this chapter, and any supervision requirements established by the board of medical examiners. Graduate physicians are not subject to any additional supervision requirements, other than the supervision requirements outlined in this subsection (b).

**63-15-105.**

(a) The board of medical examiners, in consultation with the board of osteopathic examination, is authorized to promulgate rules:

(1) To establish the process for licensure of graduate physicians, supervision requirements, additional requirements for graduate physician collaborative practice arrangements, and fees; and

(2) To address any other matters necessary to protect the public and discipline the profession.

(b) A graduate physician's license issued pursuant to this chapter and the rules promulgated by the board of medical examiners is only valid for two (2) years from the date of issuance and is not subject to renewal. The board of medical examiners or board of osteopathic examination may deny an application for licensure or suspend or revoke the license of a graduate physician for violation of the standards provided in §§ 63-6-214 and 63-9-111, as applicable, or for a violation of the standards of conduct established by the board of medical examiners by rule.

(c) Any rule promulgated under the authority delegated to the board of medical examiners in this chapter becomes effective only if it complies with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**63-15-106.**

A graduate physician shall clearly identify as a graduate physician and is permitted to use the identifiers "doctor" or "Dr." A graduate physician shall not practice,

or attempt to practice, without a graduate physician collaborative practice arrangement, except as otherwise provided in this chapter.

**63-15-107.**

The licensed physician collaborating with a graduate physician is responsible for supervising the activities of the graduate physician and must accept full responsibility for the primary care services provided by the graduate physician.

**63-15-108.**

(a) This chapter applies to all graduate physician collaborative practice arrangements. To be eligible to practice as a graduate physician, a licensed graduate physician must enter into a graduate physician collaborative practice arrangement with a licensed physician no later than six (6) months after the date on which the graduate physician obtains initial licensure.

(b) Only a physician licensed pursuant to title 63, chapter 6 or chapter 9 may enter into a graduate physician collaborative practice arrangement with a graduate physician. Graduate physician collaborative practice arrangements must take the form of a written agreement that includes mutually agreed upon protocols and any standing orders for the delivery of primary care services. Graduate physician collaborative practice arrangements may delegate to a graduate physician the authority to administer or dispense drugs and provide treatment, as long as the delivery of the primary care services is within the scope of the graduate physician's practice and is consistent with the graduate physician's skill, training, and competence and the skill, training, and competence of the collaborating physician. The collaborating physician must be board-certified in the specialty that the graduate physician is practicing, which must only include pediatrics, internal medicine, or family medicine.

(c) The graduate physician collaborative practice arrangement must contain the following provisions:

(1) Complete names, home and business addresses, and telephone numbers of the collaborating physician and the graduate physician;

(2) A requirement that the graduate physician practice at the same location as the collaborating physician;

(3) A requirement that a prominently displayed disclosure statement informing patients that they may be seen by a graduate physician, and advising patients that the patient has the right to see the collaborating physician, be posted in every office where the graduate physician is authorized to prescribe;

(4) All specialty or board certifications of the collaborating physician and all certifications of the graduate physician;

(5) The manner of collaboration between the collaborating physician and the graduate physician, including how the collaborating physician and the graduate physician will:

(A) Engage in collaborative practice consistent with each professional's skill, training, education, and competence; and

(B) Maintain geographic proximity. However, the graduate physician collaborative practice arrangement may only allow for geographic proximity to be waived for no more than twenty-eight (28) days per calendar year for rural health clinics, as long as the graduate physician collaborative practice arrangement includes alternative plans as required in subdivision (c)(5)(C). The exception to the geographic proximity requirement applies only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. § 1395i-4, and provider-based rural health clinics if the primary location of the hospital sponsor is more than twenty-five (25) miles from the clinic. The collaborating physician must maintain documentation related to the geographic proximity requirement

and present the documentation to the board of medical examiners upon request;

(6) A requirement that the graduate physician shall not provide patient care during an absence of the collaborating physician for any reason;

(7) A list of all other graduate physician collaborative practice arrangements of the collaborating physician and the graduate physician;

(8) The duration of the graduate physician collaborative practice arrangement between the collaborating physician and the graduate physician;

(9) A provision describing the time and manner of the collaborating physician's review of the graduate physician's delivery of primary care services. The provision must require the graduate physician to submit to the collaborating physician a minimum of twenty-five percent (25%) of the charts documenting the graduate physician's delivery of primary care services for review by the collaborating physician or by any other physician designated in the graduate physician collaborative practice arrangement every fourteen (14) days after the initial observation year. For the first three (3) months of the initial observation year, the collaborating physician shall review one hundred percent (100%) of the charts documenting the graduate physician's delivery of primary care services. For months four (4) through twelve (12), the collaborating physician shall review seventy-five percent (75%) of the charts documenting the graduate physician's delivery of primary care services; and

(10) A requirement that a collaborating physician be on premises if the graduate physician performs services in a hospital or emergency department.

**63-15-109.**

(a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules regulating the use of graduate physician collaborative practice arrangements for graduate physicians. The rules must specify:



- (1) The geographic areas to be covered;
- (2) The methods of treatment that may be covered by the graduate physician collaborative practice arrangement;
- (3) The educational methods and programs to be performed during the collaborative practice service, developed in consultation with deans of medical schools and primary care residency program directors in this state, which must facilitate the advancement of the graduate physician's medical knowledge and capabilities, the successful completion of which may lead to credit toward a future residency program that deems the documented educational achievements of the graduate physician through the methods and programs acceptable; and
- (4) Require review of the services provided under a graduate physician collaborative practice arrangement.

(b) A collaborating physician shall not enter into a graduate physician collaborative practice arrangement with more than three (3) graduate physicians at the same time.

**63-15-110.**

(a) Any rules related to the dispensing or distribution of medications or devices by prescription or prescription drug orders under this chapter require approval of the state board of pharmacy. The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules applicable to graduate physicians that are consistent with the guidelines established for federally funded clinics. The rulemaking authority granted to the board of medical examiners in this subsection (a) does not extend to graduate physician collaborative practice arrangements of hospital employees providing inpatient care within hospitals.

(b) The state board of medical examiners or board of osteopathic examination shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for primary care services delegated to a graduate physician as

long as the provisions of this section and any applicable rules promulgated by the board of medical examiners are satisfied.

(c) Within thirty (30) days of any licensure change, the state board of medical examiners or board of osteopathic examination must require every physician to identify whether the physician is engaged in a graduate physician collaborative practice arrangement, and to report to the board the name of each graduate physician with whom the physician has entered into an arrangement. The board may make the information available to the public. The board shall track the reported information and may routinely conduct reviews or inspections to ensure that the arrangements are being carried out in compliance with this chapter.

(d) A contract or other agreement cannot require a physician to act as a collaborating physician for a graduate physician against the physician's will. A physician has the right to refuse to act as a collaborating physician, without penalty, for a particular graduate physician. A contract or other agreement cannot limit the collaborating physician's authority over any protocols or standing orders, or delegate the physician's authority to a graduate physician. However, this subsection (d) does not authorize a physician in implementing protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

(e) A contract or other agreement cannot require a graduate physician to serve as a graduate physician for any collaborating physician against the graduate physician's will. A graduate physician has the right to refuse to collaborate, without penalty, with a particular physician.

(f) All collaborating physicians and graduate physicians under a graduate physician collaborative practice arrangement must wear identification badges while acting within the scope of the arrangement. The identification badges must prominently display the licensure status of the collaborating physician and the graduate physician.

**63-15-111.**

(a) The collaborating physician must complete a certification course, which may include material on the laws pertaining to the professional relationship. The certification course must be approved by the board of medical examiners or board of osteopathic examination.

(b) A graduate physician collaborative practice arrangement supersedes current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in § 68-11-201, if the protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

SECTION 2. Tennessee Code Annotated, Section 63-9-113, is amended by deleting the language "or a pharmacist" and substituting instead the language "a graduate physician, or a pharmacist".

SECTION 3. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.

Amendment No. \_\_\_\_\_

S. K. [Signature]  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 937\***

**House Bill No. 1311**

by deleting all language after the caption and substituting:

WHEREAS, it is the intent of the General Assembly to ensure healthcare availability for the general population; and

WHEREAS, there is a well-known physician shortage; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding the following as a new chapter:

**63-15-101.**

This chapter is known and may be cited as the "Graduate Physicians Act."

**63-15-102.**

As used in this chapter:

(1) "Graduate physician" means a medical school graduate who:

(A) Is a resident and citizen of the United States or a legal resident alien in the United States; and

(B) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination (USMLE), or the equivalent of Step 1 and Step 2 of any other medical licensing examination or combination of examinations that is approved by the board of medical examiners or board of osteopathic examination, within the two-year period immediately preceding the date of the person's application for licensure as a graduate



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physician, but not more than three (3) years after graduation from a medical school or school of osteopathic medicine;

(2) "Graduate physician collaborative practice arrangement" means an agreement between a licensed physician and a graduate physician that meets the requirements of this chapter;

(3) "Medical school graduate" means any person who has graduated from a medical school as described in § 63-6-207 or a school of osteopathic medicine as described in § 63-9-104; and

(4) "Primary care services" means medical services in pediatrics, internal medicine, and family medicine.

**63-15-103.**

A graduate physician collaborative practice arrangement must limit the graduate physician to providing primary care services in a:

(1) Medically underserved rural area of this state;

(2) Pilot project area established for graduate physicians to practice; or

(3) Rural health clinic as defined under §§ 1861(aa) and 1905 of the federal Social Security Act (42 U.S.C. §§ 1395x and 1396d, respectively).

**63-15-104.**

(a) A graduate physician is considered a physician assistant for purposes of the regulations of the centers for medicare and medicaid services.

(b) Graduate physicians are subject to the supervision requirements established in any controlling federal law, any supervision requirements provided in this chapter, and any supervision requirements established by the board of medical examiners. Graduate physicians are not subject to any additional supervision requirements, other than the supervision requirements outlined in this subsection (b).

**63-15-105.**

(a) The board of medical examiners, in consultation with the board of osteopathic examination, is authorized to promulgate rules:

(1) To establish the process for licensure of graduate physicians, supervision requirements, and additional requirements for graduate physician collaborative practice arrangements;

(2) To set fees, which must include a requirement that the total fees collected each year must be greater than or equal to the total costs necessary to facilitate the graduate physician collaborative practice arrangement each year; and

(3) To address any other matters necessary to protect the public and discipline the profession.

(b) A graduate physician's license issued pursuant to this chapter and the rules promulgated by the board of medical examiners is only valid for two (2) years from the date of issuance and is not subject to renewal. The board of medical examiners or board of osteopathic examination may deny an application for licensure or suspend or revoke the license of a graduate physician for violation of the standards provided in §§ 63-6-214 and 63-9-111, as applicable, or for a violation of the standards of conduct established by the board of medical examiners by rule.

(c) Any rule promulgated under the authority delegated to the board of medical examiners in this chapter becomes effective only if it complies with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**63-15-106.**

A graduate physician shall clearly identify as a graduate physician and is permitted to use the identifiers "doctor" or "Dr." A graduate physician shall not practice, or attempt to practice, without a graduate physician collaborative practice arrangement, except as otherwise provided in this chapter.

**63-15-107.**

The licensed physician collaborating with a graduate physician is responsible for supervising the activities of the graduate physician and must accept full responsibility for the primary care services provided by the graduate physician.

**63-15-108.**

(a) This chapter applies to all graduate physician collaborative practice arrangements. To be eligible to practice as a graduate physician, a licensed graduate physician must enter into a graduate physician collaborative practice arrangement with a licensed physician no later than six (6) months after the date on which the graduate physician obtains initial licensure.

(b) Only a physician licensed pursuant to title 63, chapter 6 or chapter 9 may enter into a graduate physician collaborative practice arrangement with a graduate physician. Graduate physician collaborative practice arrangements must take the form of a written agreement that includes mutually agreed upon protocols and any standing orders for the delivery of primary care services. Graduate physician collaborative practice arrangements may delegate to a graduate physician the authority to administer or dispense drugs and provide treatment, as long as the delivery of the primary care services is within the scope of the graduate physician's practice and is consistent with the graduate physician's skill, training, and competence and the skill, training, and competence of the collaborating physician. The collaborating physician must be board-certified in the specialty that the graduate physician is practicing, which must only include pediatrics, internal medicine, or family medicine.

(c) The graduate physician collaborative practice arrangement must contain the following provisions:

(1) Complete names, home and business addresses, and telephone numbers of the collaborating physician and the graduate physician;

(2) A requirement that the graduate physician practice at the same location as the collaborating physician;

(3) A requirement that a prominently displayed disclosure statement informing patients that they may be seen by a graduate physician, and advising patients that the patient has the right to see the collaborating physician, be posted in every office where the graduate physician is authorized to prescribe;

(4) All specialty or board certifications of the collaborating physician and all certifications of the graduate physician;

(5) The manner of collaboration between the collaborating physician and the graduate physician, including how the collaborating physician and the graduate physician will:

(A) Engage in collaborative practice consistent with each professional's skill, training, education, and competence; and

(B) Maintain geographic proximity. However, the graduate physician collaborative practice arrangement may only allow for geographic proximity to be waived for no more than twenty-eight (28) days per calendar year for rural health clinics, as long as the graduate physician collaborative practice arrangement includes alternative plans as required in subdivision (c)(5)(C). The exception to the geographic proximity requirement applies only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. § 1395i-4, and provider-based rural health clinics if the primary location of the hospital sponsor is more than twenty-five (25) miles from the clinic. The collaborating physician must maintain documentation related to the geographic proximity requirement and present the documentation to the board of medical examiners upon request;

(6) A requirement that the graduate physician shall not provide patient care during an absence of the collaborating physician for any reason;



- (7) A list of all other graduate physician collaborative practice arrangements of the collaborating physician and the graduate physician;
- (8) The duration of the graduate physician collaborative practice arrangement between the collaborating physician and the graduate physician;
- (9) A provision describing the time and manner of the collaborating physician's review of the graduate physician's delivery of primary care services. The provision must require the graduate physician to submit to the collaborating physician a minimum of twenty-five percent (25%) of the charts documenting the graduate physician's delivery of primary care services for review by the collaborating physician or by any other physician designated in the graduate physician collaborative practice arrangement every fourteen (14) days after the initial observation year. For the first three (3) months of the initial observation year, the collaborating physician shall review one hundred percent (100%) of the charts documenting the graduate physician's delivery of primary care services. For months four (4) through twelve (12), the collaborating physician shall review seventy-five percent (75%) of the charts documenting the graduate physician's delivery of primary care services; and
- (10) A requirement that a collaborating physician be on premises if the graduate physician performs services in a hospital or emergency department.

**63-15-109.**

- (a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules regulating the use of graduate physician collaborative practice arrangements for graduate physicians. The rules must specify:
  - (1) The geographic areas to be covered;
  - (2) The methods of treatment that may be covered by the graduate physician collaborative practice arrangement;

(3) The educational methods and programs to be performed during the collaborative practice service, developed in consultation with deans of medical schools and primary care residency program directors in this state, which must facilitate the advancement of the graduate physician's medical knowledge and capabilities, the successful completion of which may lead to credit toward a future residency program that deems the documented educational achievements of the graduate physician through the methods and programs acceptable; and

(4) Require review of the services provided under a graduate physician collaborative practice arrangement.

(b) A collaborating physician shall not enter into a graduate physician collaborative practice arrangement with more than three (3) graduate physicians at the same time.

**63-15-110.**

(a) The board of medical examiners, in consultation with the board of osteopathic examination, shall promulgate rules applicable to graduate physicians that are consistent with the guidelines established for federally funded clinics. The rulemaking authority granted to the board of medical examiners in this subsection (a) does not extend to graduate physician collaborative practice arrangements of hospital employees providing inpatient care within hospitals.

(b) The state board of medical examiners or board of osteopathic examination shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for primary care services delegated to a graduate physician as long as the provisions of this section and any applicable rules promulgated by the board of medical examiners are satisfied.

(c) Within thirty (30) days of any licensure change, the state board of medical examiners or board of osteopathic examination must require every physician to identify whether the physician is engaged in a graduate physician collaborative practice

arrangement, and to report to the board the name of each graduate physician with whom the physician has entered into an arrangement. The board may make the information available to the public. The board shall track the reported information and may routinely conduct reviews or inspections to ensure that the arrangements are being carried out in compliance with this chapter.

(d) A contract or other agreement cannot require a physician to act as a collaborating physician for a graduate physician against the physician's will. A physician has the right to refuse to act as a collaborating physician, without penalty, for a particular graduate physician. A contract or other agreement cannot limit the collaborating physician's authority over any protocols or standing orders, or delegate the physician's authority to a graduate physician. However, this subsection (d) does not authorize a physician in implementing protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

(e) A contract or other agreement cannot require a graduate physician to serve as a graduate physician for any collaborating physician against the graduate physician's will. A graduate physician has the right to refuse to collaborate, without penalty, with a particular physician.

(f) All collaborating physicians and graduate physicians under a graduate physician collaborative practice arrangement must wear identification badges while acting within the scope of the arrangement. The identification badges must prominently display the licensure status of the collaborating physician and the graduate physician.

**63-15-111.**

(a) The collaborating physician must complete a certification course, which may include material on the laws pertaining to the professional relationship. The certification course must be approved by the board of medical examiners or board of osteopathic examination.

(b) A graduate physician collaborative practice arrangement supersedes current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in § 68-11-201, if the protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

SECTION 2. Tennessee Code Annotated, Section 63-9-113, is amended by deleting the language "or a pharmacist" and substituting instead the language "a graduate physician, or a pharmacist".

SECTION 3. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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| <b>FILED</b>      |
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| Time _____        |
| Clerk _____       |
| Comm. Amdt. _____ |

**AMEND Senate Bill No. 1451**

**House Bill No. 1312\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-207(g), is amended by deleting the subsection and substituting:

(g)

(1) The board may issue a temporary license of limited duration to an international medical school graduate upon finding sufficient evidence that the international medical school graduate:

(A) Demonstrated competency as determined by the board;

(B) Completed a three-year post-graduate training program in the graduate's licensing country; or

(C) Has otherwise practiced as a medical professional performing the duties of a physician for at least three (3) of the last five (5) years outside the United States.

(2) An applicant under subdivision (g)(1)(B) or (g)(1)(C) must submit sufficient evidence that the applicant is an international medical school graduate and has an offer for employment as a physician at a healthcare provider that operates in this state and has a post-graduate training program accredited by the accreditation council for graduate medical education in place.

(3) An international medical school graduate who is granted a temporary license under subdivision (g)(1)(B) or (g)(1)(C) must only provide medical



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services at a healthcare provider that has in place a post-graduate training program accredited by the accreditation council for graduate medical education.

(4) The board shall grant a full and unrestricted license to practice medicine to a temporary licensee under subdivision (g)(1)(B) or (g)(1)(C) who is in good standing two (2) years after the date of temporary licensure. A temporary licensee who obtains a full and unrestricted license is not subject to the limitation of practicing at a healthcare facility with a post-graduate training program.

(5) As used in this subsection (g), "healthcare provider" means an individual, entity, corporation, person, or organization, whether for profit or nonprofit, that furnishes, bills, or is paid for a healthcare procedure or service delivery in the normal course of business, and includes, but is not limited to, a health system, hospital, hospital-based facility, freestanding emergency facility, and urgent care clinic.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it.