



Tennessee Senate Republican Caucus



A Final Report on the 2014 Legislative Session

Contact: Darlene Schlicher (615) 741-6336 or email: darlene.schlicher@capitol.tn.us

(NASHVILLE, Tenn.), June 9, 2014 -- The 108th General Assembly adjourned on April 17, 2014 to become a part of Tennessee history with the state budget and education highlighting this year's action. Although underperforming revenues limited the number of initiatives approved this year, the 2014 legislative session will be remembered for passage of several other important measures such as a ban on forced annexation, legislation to tamp down meth use in the state, numerous statutes to help crime victims, bills to protect privacy rights of citizens and a resolution calling for a constitutional convention of the states to balance the federal budget.

BUDGET

The \$32.4 billion budget, which is also called the appropriations bill, authorizes state government spending for the next fiscal year that begins on July 1, 2014 and extends to June 30, 2015. Passage of a balanced budget is the only constitutional requirement for state lawmakers.

Sales tax revenue collections have lagged behind budget projections due to a modest holiday season, followed by a long, cold winter that kept shoppers indoors. The state also had an estimated revenue loss of nearly \$332 million due to online commerce. This is in addition to less than expected losses of franchise and excise tax revenues which were down \$215 million due to overpayments by businesses last year that are now resulting in credits and refunds. Franchise and excise taxes are privilege taxes on corporations, limited partnerships, limited liability companies and business trusts doing business in Tennessee which often fluctuate.

The 2014-2015 state budget improves funding for education, including an additional \$47 million to fully fund the Basic Education Program to address inflationary growth. It includes an additional \$8.5 million to address salary equity adjustments for teachers which will go to 83 out of 136 school districts across the state. The budget provides additional funding for the construction of a veterans nursing home in Bradley County, as

well as initial start-up money for site evaluation and acquisition of land for the next state veterans' nursing home in West Tennessee.

The 2014-2015 budget continues to invest in jobs by providing over \$56 million to Economic and Community Development for the JOBS4TN program. It contains funds to expand the Turney Industrial Complex by 200 beds to help overcrowding in local jails. In addition, TennCare will receive \$77 million in new money to handle eligible but not enrolled Tennesseans and \$63 million to meet medical inflation costs and utilization increases in managed care organization expenditures.

The budget actuarially funds the state's consolidated retirement system obligations to keep the state's promises to retirees. Although state employees will not receive a pay raise due to less than expected revenues, the budget does provide money to cover an increase in their employee insurance premiums this year. Employees who participate in the 401(k) program will also continue to receive a \$50 match.

The budget keeps funding increases proposed earlier this year intact for key areas which serve some of Tennessee's most vulnerable citizens such as the Department of Children's Services and the Department of Intellectual and Developmental Disabilities and local property tax relief for disabled veterans and elderly disabled citizens.

Finally, the appropriations bill provides \$35.5 million to the Rainy Day Fund, which is the state's savings account in the event of an economic downturn or disaster.

[Senate Bill 2596](#) by Norris / Status: [Public Chapter 919](#) / Effective Date: July 1, 2014

HIGHER EDUCATION

The General Assembly made major strides in the 2014 legislative session in giving Tennessee students more opportunities to realize the dream of a college education. Tennessee now lags behind the national average for higher education, ranking 42nd in working adults with a two-year degree.

Over the past three years, legislation has been approved to identify and proactively fill the skills gaps of the future through attainment of higher education credentials. Legislative action has been taken to better prepare students by helping to reduce the need for remedial courses; increase dual enrollment and dual credit; enhance programs to increase graduation rates; and to better serve the 940,000 adults with some college but no degree. Legislation passed by the General Assembly this year enhances the state's ambitious "Drive to 55" initiative launched last year with the goal of increasing the percentage of Tennesseans with college degrees or certifications from 32% to 55% by the year 2025. This year's efforts focus on college affordability and providing assistance for students who need additional academic support to be successful.

Tennessee Promise – The centerpiece of legislation promoting the availability of higher education is the Tennessee Promise Scholarship Act. This new law provides Tennessee

high school graduates with last dollar tuition assistance to fill unmet financial needs for tuition and fees so students may attend community college or a college of applied technology free of charge. Students can then use the state's transfer pathways program if they choose to attend a four-year school, making it possible to start as a junior.

The legislation also provides the opportunity for non-traditional students to return to community college or a college of applied technology free of charge through the state's [Tennessee Reconnect](#) program, which helps adults earn a post-secondary degree. Similarly, the bill allows adults to qualify for the [Wilder-Naifeh Technical Skills Grant](#), even if the student has previously received the [HOPE](#) Scholarship. To help students succeed, the new law has a strong mentoring component by incorporating the [TN Achieves](#) program, which is already available in 27 counties. This last dollar scholarship program provides students who might otherwise slip through the cracks in transitioning from high school to a post-secondary institution with mentors to help them succeed. The college retention rate for students in the TN Achieves Program is approximately 72 percent; whereas the HOPE scholarship program retains students at the rate of 47 percent.

In addition, the legislation provides for removal of the current 120-hour cap for HOPE scholars by extending the award to eight semesters. This is designed to provide HOPE recipients who are double majors or who participate in programs like ROTC with flexibility so the student can receive the HOPE scholarship award for at least eight semesters or 120 hours, whichever comes last.

The new law changes the Tennessee Education Lottery Scholarship allotment to incentivize completion by raising the scholarship for two-year schools from \$1,000 per semester to \$1,500 and shifting the scholarship for four-year schools from \$2,000 per semester to \$1,750 the first two years and \$2,500 per semester the last two years. All students currently receiving the scholarships are grandfathered in at the current rate, as well as all who enter in the 2014-2015 school year.

In order to pay for the plan, the legislation transfers approximately \$300 million in lottery reserve funds, which will be added to the \$47 million already placed in an endowment for student scholarships. It is estimated that the cost of the Tennessee Promise scholarships will be approximately \$34 million annually. One hundred and ten million dollars will remain in the lottery reserve fund to help ensure adequate funding moving forward.

([Senate Bill 2471](#) by Norris, Campfield, Massey and Watson / Status: [Public Chapter 900](#) / Effective Date: For purpose of promulgating rules and for fund transfers, upon becoming law on May 12, 2014, and for all other purposes on July 1, 2015)

Other Drive to 55 efforts addressing higher education included in this year's budget are:

- Statewide expansion of the Seamless Alignment of Integrated Learning (SAILS) program to eliminate the need for remedial math courses for students entering college with \$2.6 million in the proposed budget. Currently, 70 percent of high school graduates need remedial classes before they are able to take a college level course;

- Offering one dual enrollment course to high school students at no cost with discounted courses available after that. Dual enrollment allows high school students to take college credit courses, and there is a 94 percent probability that those students will go on to college;
- Expansion of the Degree Compass program that predicts the subjects and majors in which students will be most successful with \$300,000 in the budget;
- Creation of an Adult Student Data System to help state colleges and universities – both public and private – do a better job of identifying and recruiting adults that are most likely to return to college and complete their degree with \$300,000 in the budget; and
- Workforce alignment grants to local communities that have strategic plans in place to connect education institutions with employers with a focus on closing the skills gap in their area with \$10 million in the budget for this purpose.

VETS – Another key bill passed this year extending opportunities for students to obtain a college education is the Veterans Education Transition Support (VETS) Act. This new law encourages enrollment of veterans and removes barriers known to impede their success in attaining higher education credentials.

In the last quarter of 2013, Tennessee was tied with Michigan as having the fourth highest veteran unemployment rate in the country at 9.7%. Approximately 27.7% of Tennessee's Veterans have some college or an associate's degree, while 24.3% percent have a bachelor's degree. The VETS bill works in conjunction with the Drive to 55 initiative to increase the number of college degrees, prioritizing veterans in that goal.

Currently, recently-discharged veterans relocating to Tennessee must pay out-of-state tuition rates until residency is formally established. The new law creates a statewide support structure that offers in-state tuition rates for veterans, providing a clear, easy pathway to attend college in Tennessee and assistance for those who need support to attain their degree. Under the legislation, veterans enrolling within 24 months of discharge immediately receive the in-state tuition rate when starting college classes, eliminating the issue of residency for those relying on GI Bill benefits. To maintain in-state status and rates, veterans have one year to present proof of established residency, such as a driver's license, motor vehicle registration or proof of employment. Registering to vote also fulfills the requirement.

The act also creates a "VETS Campus" designation to recognize and promote schools that make veteran enrollment a priority. Higher education institutions that satisfy veteran-friendly criteria, such as specialized orientation and the availability of mentoring programs, can receive the designation.

([Senate Bill 1433](#) by Norris, Crowe, Green, Gresham, Henry, Beavers, Bell, Bowling, Burks, Campfield, Dickerson, Finney, Gardenhire, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Massey, McNally, Niceley, Overbey, Southerland, Stevens, Summerville, Tate, Tracy, Watson, Yager, Ramsey / Status: [Public Chapter 612](#) / Effective Date: Tuition changes are effective beginning July 1, 2014 and shall apply to veterans enrolled in public institutions of higher education beginning with the fall semester of the 2014-2015 academic year, but for all other purposes, it is effective upon becoming law on April 4, 2014.)

College Transferability -- Legislation was approved implementing recent State Comptroller performance audit recommendations to revise the transfer pathways between the Tennessee Board of Regents (TBR) and the University of Tennessee (UT). The bill is designed to enhance transferability between colleges and universities in the state and increase the number of graduates.

The bill requires the TBR and UT to collaborate and develop transfer pathways for at least 50 undergraduate majors in which demand from students is the highest and in those fields of study in which the development of a pathway transfer is feasible.

A transfer pathway shall consist of 60 hours of instruction that a student can transfer and apply for a bachelor's degree at a public institution that offers the transfer pathway. The 60 hours shall consist of 41 hours general education and 19 hours pre-major or elective that count toward a major. Courses in a transfer pathway shall transfer toward the requirement for graduation for a bachelor's degree at all public universities. An associate's degree in the arts or sciences shall be deemed to meet those requirements. The 41-hour lower division general education core courses common to all state colleges shall be fully transferable as a block. The 19-hour lower division associate's degree credential and an area of emphasis shall be universally transferable.

In addition, the bill requires UT and TBR to collaborate to a common course numbering system and a listing of course offerings that clearly identify courses that are not universally parallel and are not transferable. The goal for implementation is the fall semester in 2015.

[Senate Bill 2362](#) by Gresham / Status: [Public Chapter 794](#) / Effective Date: Upon becoming law on April 25, 2014

Tuition / State Colleges and Universities – The General Assembly approved legislation permitting students who are U.S. citizens and residents of Tennessee to receive in-state tuition, regardless of their parent's status. Under current law, an unemancipated minor is considered to have the same residence as his or her parent for purposes of considering in-state tuition status at Tennessee colleges and universities. This new law permits students to receive in-state tuition as long as they are a U.S. citizen, have resided in Tennessee for at least one year and graduated from a Category 1, 2 or 3 public or private secondary school in the state. The legislation follows the policy set by the 14th Amendment to the U.S. Constitution that “all persons born or naturalized in the U.S. and subject to the jurisdiction thereof, are citizens of the U.S. and the state wherein they reside.”

[Senate Bill 2115](#) by Gardenhire, Burks / Status: [Public Chapter 745](#) / Effective Date: July 1, 2014 and shall apply to academic year 2014-2015 and all years thereafter

College Savings -- Legislation which incentivizes college savings has met the final approval of the General Assembly. The state's [TNStars College Savings 529 Program](#) offers parents and other relatives with a low-cost way to save for children's college expenses with attractive investment options and special tax advantages. Current law, however, does not specifically provide that the board may establish multiple plans. This

measure allows the State Treasurer to establish more than one 529 college savings plan, including an advisor-sold plan. This bill also dovetails with other efforts to help boost college attainment.

[*Senate Bill 2106*](#) by Gresham / Status: [*Public Chapter 910*](#) / Effective Date: *Upon becoming law on May 13, 2014*

⊗K-12 EDUCATION

The 2014 legislative session saw action in an effort to continue the forward movement in K-12 education in Tennessee. At the same time, lawmakers took action to ensure that Tennessee maintains sovereignty over how students are educated and that textbooks used in public schools are factual.

Since 2011, the state has seen three consecutive years of growth in TCAP results, including the largest TCAP gains in Tennessee history last year. In November, it was announced that state students had the largest academic growth on the 2013 National Assessment of Educational Progress (NAEP) in the nation, making Tennessee the fastest improving state. The NAEP results also showed that Tennessee had the largest growth of any state in a single testing cycle since NAEP started nationwide assessments a decade ago.

Education Sovereignty – State lawmakers acted this year to assert Tennessee’s sovereignty over how students are educated. Passage of the legislation comes after the Senate Education Committee conducted fact-finding hearings last year to address concerns regarding Common Core. Common Core State Standards (CCSS) are standards adopted by 45 states to measure student progress that were developed by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO).

The Data Accessibility, Transparency and Accountability Act states the federal government has no constitutional right to set educational standards and any partnership is totally at the discretion of the state. The measure further states that state and local authorities have exclusive rights to set education standards and that data collected should be used for the sole purpose of tracking academic progress and the needs of the student.

The new law specifies that Tennessee “shall not adopt common core state standards in any subject matter beyond math and English language arts.” The state began phasing in state common core standards in English language arts and math in 2011, with full implementation of these subjects in the current 2013-14 school year. This legislation helps ensure that state common core standards will not be implemented in science and social studies. In addition, it provides that the state’s Board of Education cannot join a testing consortium that requires the adoption of common standards in social studies or science without full notice to the public and the General Assembly at least 60 days prior.

The bill delays implementation of a new assessment to replace the Tennessee Comprehensive Assessment Program (TCAP) test for K-12 students for one year. Tennessee students were scheduled to be assessed by the Partnership for Assessment of Readiness for College and Careers (PARCC) test, which aligns with Tennessee's Common Core State Standards next spring. The legislation instead calls for solicitation of proposals for a new assessment system through a competitive bidding process with review of the contract awarded by the General Assembly's Fiscal Review Committee. The new assessment system awarded the contract will be field tested prior to the 2015-2016 school year, when it will replace the existing examinations in the subjects of English language arts and math.

Parents are given greater access to information under the legislation, including the right to review data collected on their child. It also requires consent by a parent before any biometric data can be collected on a student and forbids the state from conducting an assessment or applying for a grant that violates this requirement. Similarly, the bill protects the identifying information of teachers regarding their personal evaluation scores.

To provide greater public transparency, the state's Board of Education must publish a list of all data elements collected under the bill along with the purpose or reason for collecting them. It requires that proposed changes to any state educational standard shall be posted for public review on the State Board of Education's website and submitted to the Education Committee of the House and the Senate at least 60 days prior to consideration.

[Senate Bill 1835](#) by Gresham, Tracy, Haile, Johnson, Bowling, Campfield, Norris / Status: [Public Chapter 905](#) / Effective Date: The competitive bidding portion is effective upon becoming law on May 13, 2014, while the remaining sections are effective on July 1, 2014

Similarly, the legislature adopted a resolution laying out the principles to affirm that Tennessee, not the federal government, should determine the content of Tennessee's state academic standards and the measures used to assess how well students have mastered them. The state education sovereignty resolution, like the sovereignty legislation, asserts that Tennessee considers any collection of student data by the federal government an overreach of the federal government's constitutional authority. The resolution extends to organizations contracted to conduct tests on students in Tennessee in regard to any potential sharing or allowing access to pupil data.

[Senate Joint Resolution 491](#) by Tracy, Summerville, Green, Stevens, Watson, Campfield, Ketron, Beavers, Bowling, McNally, Southerland, Haile, Yager, Dickerson, Hensley, Crowe, Niceley, Norris, Bell, Johnson, Gresham / Status: Signed by the Governor on May 2, 2014

Textbook Commission – Major legislation was adopted this year revamping the state's Textbook Commission to provide greater transparency and more public input in the textbook selection process. The commission, which is responsible for recommending an official list of textbooks for approval by the State Board of Education, came under fire by a group of parents last year for having adopted books containing inappropriate language

and controversial interpretations of historical facts. In addition, it addresses how the books are chosen at the local level and the process under which an objection can be appealed.

The Textbook Commission was under review as a part of the regular sunset process conducted on all departments and agencies of state government. The Senate Education Committee worked in cooperation with the Senate Government Operations Committee in looking at the role of the commission in drafting the legislation. The goal was to come up with a new law to ensure students have the critical information they need and that it is done in an accurate and factual manner. This work included looking at best practices used by commissions in other states.

Tennessee's new law:

- Vacates the current board and replaces it with a new State Textbook and Instructional Materials Commission beginning January 1, 2015;
- Gives the Governor and the House and Senate Speakers three appointments each to the commission from each grand division of the state followed by confirmation by the General Assembly (the Commissioner of Education will also sit on the commission, and must attend or send his or her designee);
- Limits commission members to 2 consecutive 3-year terms; whereas, currently it is unlimited;
- Ensures the commission and those who review the textbooks have significant guidance by providing better training for members, including specific review criteria that must be considered when recommending books for approval;
- Reduces the current bonding requirement for those who bid on textbooks from \$1 million to \$2,000 - \$10,000 to encourage more textbook companies to bid (currently, Tennessee is the only state in the nation that requires a bond of up to \$1 million for participating companies);
- Makes textbook companies financially responsible for fixing any mistakes in their materials;
- Requires publishers to submit complete books for online review by the public;
- Provides the public with web access to the commission's textbook review process; and
- Requires the commission to consider public comment regarding textbook selection.

[Senate Bill 1602](#) by Bell Gresham, Stevens, Yager, Johnson, Tracy, Hensley, Crowe, Tate, Ketron, Campfield, Haile / Status: [Public Chapter 981](#) / Effective Date: January 1, 2015

Waivers / Traditional Public Schools – The 108th General Assembly gave final approval to provide traditional public schools with the same flexibility as charter schools with regard to requesting waivers from the commissioner of the state's Department of Education. This measure provides that the commissioner can grant a waiver as long as it does not interfere with teachers' due process rights, salaries, benefits or licensure.

Currently, local education agencies (LEA) may apply for a waiver from the State Board of Education's rules and regulations; however, the commissioner cannot waive certain regulatory or statutory requirements. The new law authorizes the commissioner to waive any state statute that inhibits the LEA's ability to meet its goals or comply with its mission to improve student outcomes. The legislation follows passage of the Performing School Districts Flexibility Act in 2013, which gives leeway to school districts who qualify as "high performing school districts." To qualify, however, districts must meet a majority of requirements that include a 90 percent or above graduation rate, 21 or higher average ACT score, and high or seriously improved TCAP performance. This bill applies the same flexibility to schools across the board as long as the commissioner agrees.

[Senate Bill 2392](#) by Overbey, McNally, Burks, Yager / Status: [Public Chapter 672](#) / Effective Date: Upon becoming law on April 14, 2014

Charter Schools Authorization / Appeals – State lawmakers voted to permit the State Board of Education to act as an authorizer in cases where the local education agency in school districts that contain at least one school in the bottom five percent, denies an application for a public charter school. The new law continues current law provisions for the appeals process. That process requires that the first stop for any public charter school applicant is the Local Education Agency (LEA). If the charter school applicant is denied by the LEA, the applicant can appeal to the State Board of Education. Even if the State Board approves such an application upon de novo review, the LEA still retains the option to choose to act as the authorizer and oversee the school. The legislation applies to Shelby, Hardeman, Hamilton, Knox and Davidson Counties.

[Senate Bill 830](#) by Gresham, Kelsey, Green / Status: [Public Chapter 850](#) / Effective Date: Upon becoming law on April 29, 2014 and shall apply to appeals from denial of applications filed by sponsors for charter schools proposing to open in the 2015-2016 school year and thereafter

Task Force / Education Funding – Governor Haslam has appointed a task force to study the Basic Education Program (BEP), which is the state's funding formula for K-12 schools. Legislation changing the formula had been proposed during the 2014 legislative session. The most recent revision to the BEP, known as BEP 2.0, was adopted in 2007. The formula takes factors such as local property and sales tax revenue into account when calculating how much money Tennessee school districts will receive from the state each year. A number of districts, both large and small, have raised questions and concerns about the formula and whether it distributes funds in a fair and equitable manner. The task force will meet over the next year and will make recommendations to the governor by the end of the year.

K-12 Education / Fundamentals -- State lawmakers gave final approval to a bill requiring students to be taught the fundamentals of government. Under the new law, students will be taught the fundamentals of both Tennessee and U.S. government, including instruction in foundational documents. This includes the U.S. and Tennessee Constitutions and other key documents like the Declaration of Independence. The

legislation leaves it up to the local boards of education to decide which grade the instruction is best suited.

[Senate Bill 1266](#) by Niceley, Bowling, Ford / Status: [Public Chapter 939](#) / Effective Date: July 1, 2014

Cursive Writing -- The legislature adopted a measure calling for children in schools across Tennessee to learn how to read and write in cursive. The bill includes cursive handwriting instruction to the state learning standards at a grade level to be determined by local boards of education. The new law is meant to prevent a decline in the ability of students to read handwritten notes and sign their own names, as well as interpret historical documents in their original form, like the Declaration of Independence and U.S. Constitution. The motivation for the legislation came after parents complained to state lawmakers that their children were unable to read handwritten assignments. Upon further investigation, it was also found that a significant percentage of high school juniors and seniors could not read cursive writing assignments written by teachers on classroom chalkboards.

[Senate Bill 1881](#) by Niceley, Bowling, Crowe, Norris / Status: [Public Chapter 781](#) / Effective Date: Upon becoming law on April 24, 2014

Teacher's Licenses / Testing -- A teacher's license cannot be non-renewed or revoked by the Department of Education based on their students' growth scores under legislation approved in 2014. This law provides that a teacher, principal or supervisor cannot have their professional license revoked or non-renewed as a result of their students' TVAAS scores, or another comparable measure of student growth in the event TVAAS is no longer the measure utilized.

[Senate Bill 2240](#) by Tracy / Status: [Public Chapter 746](#) / Effective Date: Upon becoming law on April 22, 2014 for promulgating rules and July 1, 2015 for all other aspects

Teachers / Investigation -- A new law was passed this year which prohibits a director of schools from suspending a teacher who is under investigation for more than 90 days, except in criminal investigation cases, a Department of Children's Services investigation or an internal investigation by a local education agency which might warrant his or her dismissal. The bill calls for teacher's full salary to be paid for the suspension period upon being vindicated or reinstated.

[Senate Bill 417](#) by Crowe / Status: [Public Chapter 684](#) / Effective Date: July 1, 2014 at 12:01 a.m.

Teachers / Classroom Supplies -- Legislation to help ensure teachers receive their classroom supply allowance at an earlier date has been approved. The bill clarifies that at least \$100 out of the \$200 allotted for supplies under current law, be distributed by October 31. This measure allows teachers to spend the allowance at any time during that school year on instructional supplies as determined necessary by the teacher. It also requires Local Education Agencies (LEA) to send a written explanation for any noncompliance.

[Senate Bill 2277](#) by Dickerson, Burks / Status: [Public Chapter 704](#) / Effective Date: July 1, 2014

Teachers / Duty-free Planning Time – The Senate and House of Representatives have approved legislation that requires the State Board of Education to develop rules and regulations for providing teachers from kindergarten through grade twelve with individual duty-free planning periods during the instructional day. Currently, teachers are required to have at least two and a half hours of planning time per week. It adds the word “individual” into the law when defining the planning period, so that teachers can concentrate on their classroom and students during their planning period and not on other assigned duties.

[*Senate Bill 2257*](#) by Massey, Burks / Status: [*Public Chapter 931*](#) / Effective Date: Upon becoming law on May 16, 2014

Students / Diabetes -- The State Senate and House of Representatives voted to approve a bill allowing non-medical personnel to receive training to assist in diabetes care of children, including the administration of insulin in cases where a student’s blood sugar is too high. Approximately 500,000 Tennesseans suffer from diabetes, including many who are school aged children who require monitoring or administration of medicines like glucagon and insulin. Tennessee law currently allows appropriately trained non-medical personnel to administer glucagon to students whose blood sugar become too low. The new statute allows trained volunteer school personnel to administer insulin to a student based on the student’s Individual Health Plan (IHP), which has been authorized by his or her parent.

[*Senate Bill 1445*](#) by Dickerson, Haile, Harper / Status: [*Public Chapter 614*](#) / For promulgating rules upon becoming law on April 4, 2014, but for all other purposes it is effective January 1, 2015

Students / Harmful Substances -- Legislation aiming to help protect students from harmful substances in school buildings was approved this year. The new law encourages schools to schedule any building maintenance involving harmful substances at a time when students and teachers will not be at school to limit students’ exposure.

[*Senate Bill 2246*](#) by Hensley / Status: [*Public Chapter 703*](#) / Effective Date: Upon becoming law on April 15, 2014

Students / Sex Offenders – The legislature gave final approval to legislation to help protect students from sex offenders and other violent criminals while at school. Current law requires the Tennessee Bureau of Investigation (TBI) to perform background checks on vendors who do contract work with schools in Tennessee. This new law seeks to tighten a statute passed last year by adding more offenses and jurisdictions to these background checks including statutory rape by a non-authority figure, aggravated kidnapping of an adult, child abuse, child neglect, aggravated robbery and voluntary manslaughter. It allows the TBI to investigate the potential of interest background for a broader timeframe than was previously granted to ensure that sex offenders and violent criminals cannot slip through the cracks.

[*Senate Bill 2356*](#) by Dickerson / Status: [*Public Chapter 844*](#) / Effective Date: Upon becoming law on April 29, 2014

Students / Erin's Law / Prevention of Child Sex Abuse -- "Erin's Law," which focuses on preventing child sexual abuse, met final legislative approval this year. As passed, the legislation encourages schools across the state to provide age-appropriate instruction to students on personal body safety and how to report sexual abuse, including occurrences that could potentially happen in the home. The bill is named after Erin Merryn, an Illinois native who was sexually abused as a child. Merryn now fully dedicates her time to getting the law passed in all fifty states.

The Tennessee Bureau of Investigation reported that in 2012 there were 3,508 child sexual abuse cases reported across the state. The U.S. Department of Justice, however, indicates child sexual abuse is underreported in about 60% of cases, meaning the actual number of abuse cases in Tennessee is most likely higher than reported. According to the U.S. Bureau of Justice, 93% of juvenile sexual assault victims know their perpetrator, with 34% of the offenders being family members. The Bureau reports that 59% of offenders were acquainted with the victim and only 7% were strangers.

[*Senate Bill 2421*](#) by Overbey / Status: [*Public Chapter 706*](#) / Effective Date: July 1, 2014

Student Health – Legislation received final approval that prohibits schools from using the time provided to students to walk from one class to the next, from being used as the 90 minutes per week required under Coordinated School Health Law for students to receive physical activity. The measure aims to ensure that schools abide by the spirit of that law intended to help students make healthy choices through physical activity. Tennessee ranks among the highest in the nation in childhood obesity and diabetes.

[*Senate Bill 1760*](#) by Ketron, Henry / Status: [*Public Chapter 986*](#) / Effective Date: July 1, 2014

Rights / Religious Viewpoints and Anti-Discrimination Act – State lawmakers gave final approval to the "Religious Viewpoints and Anti-Discrimination Act" to help ensure Tennessee students have the right to voluntarily express a religious viewpoint while attending a K-12 public school. The new statute provides much needed guidance for school officials who have sometimes felt compelled to squash a student's voluntary religious expression for fear of lawsuits on subjects that are otherwise deemed permissible by the school.

Passage of the measure follows a national news report in Tennessee regarding a 10-year-old student who wrote about God upon being assigned to write about whom she idolized. The teacher rejected the student's chosen subject matter and asked her to redo the assignment. The girl then chose to write about pop singer Michael Jackson, which was then approved by the teacher.

This legislation puts a student's faith-based expressions on a level playing field with secular or other viewpoints in accordance with the First Amendment, which is protected by U.S. Supreme Court rulings. It helps to guarantee that students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions.

The new law prohibits school officials from discriminating against the voluntary expression of religious viewpoints at “limited public forum” functions in which students are given an opportunity to speak, as long as they can maintain order and it is not disrupting scheduled instructional time. In addition, students may participate in prayer groups, religious clubs, or other religious gatherings before, during, and after the school day “to the same extent that students are permitted to organize other non-curricular activities.” This includes the annual “meet you at the pole” prayer event which is popular in many Tennessee schools.

[Senate Bill 1793](#) by Haile, Summerville, Kelsey / Status: [Public Chapter 654](#) / Effective Date: Upon becoming law on April 10, 2014 and shall apply beginning in the 2014-2015 school year

Rights / Holiday Greetings -- Legislation allowing school officials and students to say Merry Christmas, Happy Hanukkah or Happy Holidays to one another has become law this year. The new statute seeks to allow the greeting to be exchanged in schools without fear of a lawsuit.

[Senate Bill 1425](#) by Campfield, Kelsey, Yager / [Public Chapter 787](#) / Effective Date: July 1, 2014

School Buses (also filed under government) – The General Assembly has approved a law authorizing the use of conventional and Class D school buses until they have reached their 18th year of service. Currently, school buses in Tennessee are allowed to operate up to 15 years with a 200,000 mile limit, whichever comes first, if they pass additional inspections. Under the new statute, the Commissioner of Safety, through the inspection process, may approve the use of buses for additional years of service beyond the 18th year if the bus has less than 200,000 recorded miles. The legislation requires school buses which are 16 to 18 years old to be inspected twice annually. It also allows a bus that reaches the 200,000 mile mark during the academic year to be kept in service until the end of the year.

[Senate Bill 1966](#) By Yager, Bowling, Burks, Campfield, Green, Haile, Stevens / Status: [Public Chapter 743](#) / Effective Date: Upon becoming law on April 22, 2014

CHILDREN / OTHER

Child Fatalities – In other legislation regarding children, the General Assembly approved a law that sets minimum disclosure requirements for the Tennessee Department of Children’s Services (DCS) after a fatality or near fatality. The legislation places into law disclosure requirements which have been voluntarily implemented by DCS Commissioner Jim Henry regarding investigations of abuse and neglect in these cases. It ensures that the policy will not change under a new department head or gubernatorial administration.

The newly-passed law requires DCS to release the child’s age, gender, and a history of the department’s involvement with the child within five business days of the child’s fatality as a result of abuse or neglect. At the closure of DCS’s investigation, the

department must release the final disposition of the case, whether the case meets criteria for a child death review, and the full case file. Following DCS's final classification of a child abuse or neglect near fatality, the department would be required to release a full case file. The legislation authorizes the redaction of any case file to comply with current confidentiality requirements. Records in fatality cases are regularly redacted and released in a de-identifying manner.

This measure makes certain that the state continues to disclose information regarding deaths or near fatalities of children in DCS custody as implemented by Commissioner Henry, regardless of who is in control of the department in the future.

[*Senate Bill 2112*](#) by Overbey, Summerville, Burks, Haile / Status: [*Public Chapter 771*](#) / Effective Date: July 1, 2014

Cannibidol Trials / Childhood Seizures -- Legislation was passed in 2014 allowing for the clinical trial use of Cannibidol oil in two pediatric research hospitals in Tennessee to treat intractable seizures in children. The new law allows Vanderbilt Children's Hospital and East Tennessee Children's Hospital to prescribe Cannibidol oil, which has .9 percent of tetrahydrocannabinol (THC) in a clinical research study to treat such conditions. The bill also allows Tennessee Technological Institute to obtain the necessary seeds and plants to grow and produce the oil in the controlled study setting.

Cannibidiol (CBD) oil is a derivative of marijuana that does not produce a euphoric effect. It has shown great promise in treating children who suffer from severe intractable seizures, including Dravet Syndrome, a rare and catastrophic form of epilepsy. The bill was brought to the General Assembly after the sponsor talked with a parent of a child with this condition who suffered up to 150 seizures a day. The child had a dramatic decrease in seizures after receiving the oil out of state.

The bill requires any clinical research study on the treatment of intractable seizures to be reported to the Commissioner of Health and the Speakers of the House of Representatives and Senate by January 15, 2018.

[*Senate Bill 2531*](#) by Gardenhire, Green, Dickerson, Bowling, Burks, Haile, Campfield, Massey / Status: [*Public Chapter 936*](#) / Effective Date: Upon becoming law on May 16, 2014 and expires on June 30, 2018

CRIME / DRUG ABUSE

The 108th General Assembly approved a wide range of legislation attacking crime during the 2014 legislative session, including measures to fight drug abuse, crack down on sex offenders and human trafficking, provide justice for rape victims and help rid neighborhoods of gang violence. The legislature also passed several new laws to help crime victims during the court process.

TAMP Act -- Major legislation designed to combat the manufacture of methamphetamine was passed during the final hours of the 2014 legislative session. Tennessee ranked second in the nation, behind Indiana, in meth lab seizures last year.

In 2013, 1,691 labs were seized in Tennessee. The state spends approximately \$2 million annually on meth lab clean-up. The Department of Children's Services has reported that 1,347 children came into state custody from 2010 through 2013 due to exposure to meth, not including the number of children where non-custodial arrangements were made. An estimated cost for care of these children is more than \$7 million. This is in addition to tens of millions of dollars in TennCare costs associated with meth lab burns, many which involve children.

Currently, Tennessee uses the NPLeX technology to help block PSE from being used in the manufacture of meth. In order to obtain the drug, customers must show identification to ensure they are not purchasing over the allowed limit. The goal of this system was to allow allergy and cold sufferers to continue to receive needed medication without having to visit a physician in order to obtain a prescription, while setting limits to deter the manufacture of meth. The Tennessee Anti-Meth Production (TAMP) Act cuts the amount of pseudoephedrine (PSE) that can be bought in Tennessee from the current limit of 9 grams a month to 5.76 grams.

PSE is the active ingredient in many safe and effective medicines that treat common cold and allergy symptoms—medicines like Advil Cold & Sinus, Claritin-D, and Sudafed. It is also the key ingredient in the manufacture of methamphetamine.

The Tennessee Anti-Meth Production (TAMP) Act targets so-called 'smurfers' who buy PSE products from a variety of stores in small quantities until they have enough to manufacture meth. The new law sets an annual limit on pseudoephedrine purchases of 28.8 grams. It also requires a prescription for any person under eighteen years of age to purchase a product that contains any immediate methamphetamine precursor, unless a pharmacist-generated prescription is issued.

[*Senate Bill 1751*](#) by Norris, McNally, Ketron / Status: [*Public Chapter 906*](#) / Effective Date: July 1, 2014

Meth / Penalties -- Legislators also voted this year to strengthen penalties against those who manufacture methamphetamine. This measure provides for a mandatory minimum sentence for possession of meth of 30 days in jail and 180 days imprisonment for the manufacturing of meth.

[*Senate Bill 2021*](#) by Beavers, Bowling / Status: [*Public Chapter 970*](#) / Effective Date: July 1, 2014

In addition, the legislature passed a new law which adds anyone convicted of a drug felony to the Methamphetamine Registry to prevent them from purchasing pseudoephedrine, the precursor used for making meth. The legislation also extends the time from 7 to 10 years in which offenders would be prohibited from purchasing any pseudoephedrine products if they are on the Drug Registry.

[*Senate Bill 1312*](#) by Hensley / Status: [*Public Chapter 732*](#) / Effective Date: July 1, 2014

Meth / Tracking -- In order to better track meth arrests and convictions, the General Assembly approved legislation to subdivide methamphetamine from other Schedule II drugs in charging offenders with possession. The bill delineates meth from cocaine, crack and other Schedule II drugs so law enforcement can track it.

[*Senate bill 1596*](#) by Green / Status: [*Public Chapter 904*](#) / Effective Date: July 1, 2014

Meth / Housing -- Another bill passed this year requires a person who makes a profit from housing to report to law enforcement when they know that methamphetamines have been manufactured there. The measure prescribes a Class B misdemeanor for property owners or caretakers that do not notify law enforcement within 24 hours of discovering that methamphetamine has been or is being manufactured in order to protect the public.

[*Senate Bill 1503*](#) by Green, Haile / Status: [*Public Chapter 640*](#) / Effective Date: July 1, 2014

Drugs / Controlled Substance Monitoring Database -- The State Senate and House of Representatives approved a bill to require a dispenser of a controlled drug to add that prescription to the state's Controlled Substance Monitoring Database within one business day beginning January 1, 2016. Currently, the reporting time is seven days. Veterinarians, who dispense very few controlled substances, will continue to have seven days to report.

[*Senate Bill 2547*](#) by Hensley / Status: [*Public Chapter 1011*](#) / Effective Date: Sections 1 and 2 of this act (the time limits) shall take effect on January 1, 2016, the public welfare requiring it. Sections 3 and 4 of this act shall take effect at 12:01 a.m. on July 1, 2016.

Drugs / Synthetic Drugs -- The synthetic cannabinoids, quinolinyndolecarboxester and propylindazolecarboxamide, have been added to the state's Schedule I controlled substances law under legislation adopted this year. The General Assembly has passed legislation to ban other chemical compounds used in synthetic drugs; however, unscrupulous chemists manufacturing the drugs continue to modify molecules in the organic compounds to avoid prosecution. The new law aims to keep these drug compounds, which produce a dangerous hallucinogenic effect, out of the hands of Tennesseans.

[*Senate Bill 1508*](#) by Kelsey, Burks, Overbey / Status: [*Public Chapter 735*](#) / Effective Date: July 1, 2014

Drugs / Pill Mills -- State lawmakers have approved legislation designed to reduce the number of pill mills in Tennessee. The measure standardizes the reporting requirements for pill wholesalers when there is theft or a significant loss of controlled substances. The new law also prohibits certain health care providers that work in pain management clinics from dispensing opioids and benzodiazepines and requires health care practitioners to notify the board or pharmacy within 10 days of starting or ending work with those pain management clinics. Finally, it changes certain procedures and buy-back measures when dealing with these substances. The bill was modeled after successful legislation passed in Florida.

[Senate Bill 1663](#) by Kelsey / Status: [Public Chapter 983](#) / Effective Date: January 1, 2015

Drugs / Identification -- Legislation was approved this year to require a person to present valid government-issued identification, or a public or private insurance card, prior to being dispensed a seven day or greater supply of any Schedule II – IV opioid, benzodiazepine, zolpidem, barbiturate, or carisoprodol. The identification requirement is not be applicable to persons known personally by the pharmacist or technician dispensing the medication. Other persons make pick up the prescription, but must show identification. If a person is homeless or a minor, the pharmacist must exercise professional judgment when presented the request for the drug. The legislation is another tool to assist law enforcement in the prosecution of the illegal use of prescription pain pills.

[Senate Bill 1832](#) by Yager, Burks, Campfield / Status: [Public Chapter 872](#) / Effective Date: July 1, 2014

Drugs / Opiate-Related Emergencies -- Legislation was adopted authorizing a licensed healthcare practitioner to prescribe the drug Naloxone to a person at risk of experiencing an opiate-related overdose. Opiate overdoses have soared nationwide. Naloxone is specifically used to counteract life-threatening depression of the central nervous system and respiratory system and has been highly successful in reversing heroin overdoses with very few side effects. The new law also allows the physician to prescribe the drug to a family member, friend or other person in a position to assist a person experiencing an opiate-related overdose, as long as the doctor provides written communication establishing a factual basis that a person is at risk. Finally, the bill provides a prescribing physician or person administering the drug immunity from civil liability.

[Senate Bill 1631](#) by Norris, Overbey / Status: [Public Chapter 623](#) / Effective Date: July 1, 2014

☼ **CRIME / SEX OFFENDERS AND HUMAN TRAFFICKING / THE COURTS**

Rape / Statute of Limitations -- Major legislation was passed this year to repeal the statute of limitations for rape, aggravated rape, rape of a child and aggravated rape of a child, as long as law enforcement or the district attorney general has been notified within three years of the offense. The new law pertains to acts committed on or after July 1, 2014 or offenses committed prior to that date, as long as the statute of limitations has not expired. The current statutes of limitations range from 8 years to 15 years for rape of an adult, and up to 25 years after the 18th birthday of the victim when the offense involves a child.

The legislation builds on a law passed last year which allows prosecutors to pursue a “John Doe” arrest based on the perpetrator’s DNA profile, saving rape cases from dismissal on grounds that too much time has passed. That new law ensures that Tennessee law keeps pace with emerging DNA science so that prosecutions will be kept

alive even when the perpetrator can't be brought to justice within the time allowed by the statute of limitations.

Approximately 90,000 women are raped every year in the United States, with only 25% of these attacks resulting in arrests. Courts at all levels have recognized the validity of DNA tests in identifying suspects and establishing guilt.

[*Senate Bill 2084*](#) by Norris, Campfield, Green, Kelsey, Gresham, Ford, Burks, Beavers, Crowe, Haile, Harper, Johnson, Overbey, Stevens, Tate, Tracy, Watson, Yager, Bowling / Status: [*Public Chapter 836*](#) / Effective Date: Upon becoming law on April 28, 2014

Rape Kits / Justice for Victims – Another bill passed this year calling for justice for rape victims requires all law enforcement agencies or departments charged with the maintenance, storage, and preservation of sexual assault kits to generate a report based on that inventory by July 1, 2014. The legislation follows a report that there are as many as twelve-thousand rape kits with evidence that have been tested in Shelby County. Similar reports of untested kits can be found in other U.S. localities.

The report must contain the number of untested kits and the date the evidence was collected. After receiving the information, the measure calls for the TBI to deliver a report by September 1, 2014 to the speakers of the State Senate and House of Representatives regarding their findings. The report is the first fundamental step in helping quantify the scope of the problem so steps can be taken to help victims and survivors find justice.

[*Senate Bill 1426*](#) by Norris, McNally / Status: [*Public Chapter 733*](#) / Effective Date: Upon becoming law on April 21, 2014

Rape / Victim's Right to Privacy -- Victims of rape will have the power to keep their identity private under another bill approved by lawmakers this year. The measure provides that identifying information regarding the victim will be treated as confidential upon a guilty plea or conviction sentencing of the defendant. It would not be open for inspection by members of the public, unless the victim waives their right to confidentiality.

Victims of rape often report that they are afraid to come forward due to unwanted publicity regarding the crime. New technological advances like Facebook or blogs have provided a new forum for posting pictures and videos almost anywhere and instantly with little possibility of retrieving the electronic transmission.

The new law requires the district attorney general to inform the victims of their right to privacy. Nothing in the legislation can be used to deny access to the public part of this file as long as the personal information is redacted.

The legislation was crafted in collaboration with law enforcement, media and victim's rights groups, including the Tennessee Association of Chiefs of Police, Tennessee Press Association, Tennessee Bar Association, Tennessee Coalition to End Domestic and

Sexual Abuse, Tennessee Association of Broadcasters, Tennessee Association of Criminal Defense Lawyers, District Attorney Generals Conference and the Tennessee District Public Defenders Conference.

[*Senate Bill 2254*](#) by Massey, Burks, Finney, Haile, Norris, Yager, Ketron / Status: [*Public Chapter 804*](#) / Effective Date: Upon becoming law on April 25, 2014

Sex Offenders / Community Notification – Legislation was passed which aims to make it less attractive for those convicted of a sexual offense to move to Tennessee. The bill allows any county or city to establish a community notification system by a two-thirds vote of the local legislative body. This community notification system will notify certain residences, schools and childcare facilities within that local government’s boundaries that a sexual offender resides or intends to live within a certain distance of such residences, schools, and childcare facilities. The bill follows similar laws in other states, including Alabama.

[*Senate Bill 2398*](#) by Tracy / Status: [*Public Chapter 751*](#) / Effective Date: Upon becoming law on April 21, 2014

Sex Offenders / Restrictions -- Similarly, the legislature voted to help ensure Tennessee is not a destination for sex offenders as a result of having weaker laws than other states regarding work and residential restrictions. Tennessee law already has such restrictions for child sex offenders. This legislation prohibits any sexual offender, whose victim was an adult, from knowingly establishing a residence or to accept employment within 1,000 feet of any public, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or athletic field available for use by the general public.

[*Senate Bill 2090*](#) by Green / Status: [*Public Chapter 992*](#) / Effective Date: July 1, 2014

Sex Offender Registry -- State lawmakers also passed a law which deals with observation without consent. Currently, voyeurism without consent is a Class A misdemeanor, no matter how many times it occurs. This legislation places those who are convicted of the crime three or more times on the state’s Sexual Offender Registry.

[*Senate Bill 2242*](#) by Tracy, Ketron / [*Public Chapter 729*](#) / Effective Date: July 1, 2014

Sex Offenses / Children / Reporting -- Legislation to help ensure child sex abuse is reported has passed. The bill adds to the list of individuals who must report any known or suspected child sex abuse any authority figure at a community facility, including any facility used for recreation or social assemblies, for educational, religious, social, health, or welfare purposes.

[*Senate Bill 1131*](#) by Norris / Status: [*Public Chapter 761*](#) / Effective Date: July 1, 2014

Students / Sex Offenders (ALSO FILED UNDER EDUCATION) -- The legislature gave final approval to legislation to help protect students from sex offenders and other violent criminals while at school. Current law requires the Tennessee Bureau of Investigation

(TBI) to perform background checks on vendors who do contract work with schools in Tennessee. This new law seeks to tighten a statute passed last year by adding more offenses and jurisdictions to these background checks including statutory rape by a non-authority figure, aggravated kidnapping of an adult, child abuse, child neglect, aggravated robbery and voluntary manslaughter. It allows the TBI to investigate the potential of interest background for a broader timeframe than was previously granted to ensure that sex offenders and violent criminals cannot slip through the cracks.

[*Senate Bill 2356*](#) by Dickerson / Status: [*Public Chapter 844*](#) / Effective Date: Upon becoming law on April 28, 2014

Erin's Law / Prevention of Child Sex Abuse (ALSO FILED UNDER EDUCATION) -- "Erin's Law," which focuses on preventing child sexual abuse, met final legislative approval this year. As passed, the legislation encourages schools across the state to provide age-appropriate instruction to students on personal body safety and how to report sexual abuse, including occurrences that could potentially happen in the home. The bill is named after Erin Merryn, an Illinois native who was sexually abused as a child. Merryn now fully dedicates her time to getting the law passed in all fifty states.

The Tennessee Bureau of Investigation reported that in 2012 there were 3,508 child sexual abuse cases reported across the state. The U.S. Department of Justice, however, indicates child sexual abuse is underreported in about 60% of cases, meaning the actual number of abuse cases in Tennessee is most likely higher than reported. According to the U.S. Bureau of Justice, 93% of juvenile sexual assault victims know their perpetrator, with 34% of the offenders being family members. The Bureau reports that 59% of offenders were acquainted with the victim and only 7% were strangers.

[*Senate Bill 2421*](#) by Overbey / Status: [*Public Chapter 706*](#) / Effective Date: July 1, 2014

Human Trafficking -- Efforts continued in the General Assembly this year to address the problem of human trafficking and prostitution. The General Assembly passed a series of bills addressing human trafficking after a 2011 Tennessee Bureau of Investigation (TBI) report showed 73 of the state's 95 counties have reported the crime within their borders. Tennessee emerged as a national leader in the fight against human trafficking as a result of those efforts, receiving an "A" ranking from Shared Hope International's [*2013 state report card*](#). Tennessee scored 93.5%, the highest of any other state rated in the Protected Innocence Challenge.

A [*follow-up*](#) to the 2011 report was released this year that shows sex trafficking of minors occurs in rural and urban areas of Tennessee and has an effect in both wealthy and poor households. It was also discovered that minors who come from impoverished households are especially vulnerable to victimization.

Following is a list of new laws passed during the 2014 legislative session which builds on the General Assembly's ongoing efforts to attack the problem:

- **Missing Children / TBI** -- A new statute was passed requiring the Tennessee Bureau of Investigation (TBI) to add information on its missing children [website](#) when a child is found. The bill calls on the TBI to update the missing children registry to include pertinent information about rescued children in the same manner as the report of a missing child.
[Senate Bill 1654](#) by Kelsey, Crowe / Status: [Public Chapter 588](#) / Effective Date: July 1, 2014
- **Promoting Prostitution / Child Abuse** -- Legislation was approved to add the offense of promoting prostitution to the list of offenses that constitute severe child abuse
[Senate Bill 1660](#) by Kelsey, Ketron, Overbey, Yager / [Public Chapter 711](#) / Effective Date: July 1, 2014
- **Consent Defense** -- A new law was passed which prohibits asserting that the subject of the offense was a consenting minor or a law enforcement officer as a defense to promoting prostitution.
[Senate Bill 1748](#) by Yager, Ketron / Status: [Public Chapter 646](#) / Effective Date: July 1, 2014
- **Penalties / Patronizing Child Prostitution** -- Lawmakers approved a bill which attacks the “demand side” of human trafficking. The legislation toughens penalties against those who patronize prostitution from a child or a person with intellectual disabilities and removes certain defenses that violators have attempted to use. The bill increases the penalty from a Class E to either a Class A or Class B felony, depending on the circumstances surrounding the offense. It also prohibits as a defense to patronizing prostitution the assertion that the subject of the offense was a consenting minor or a law enforcement officer.
[Senate Bill 1815](#) by Overbey, Ketron, Crowe, Kelsey, Burks / Status: [Public Chapter 957](#) / Effective Date: July 1, 2014
- **Out of State Sex Offenders** – A new law was passed that treats out-of-state sexual offenders the same way we treat in-state sexual offenders for the purpose of being placed on Tennessee’s Sex Offender Registry.
[Senate Bill 2040](#) by Kelsey / Status: [Public Chapter 744](#) / Effective Date: Upon becoming law on April 21, 2014
- **Child Prostitution / Sex Offender Registry** – Finally, the General Assembly voted to ensure that those who are guilty of patronizing prostitution of a minor are placed on the state’s Sex Offender Registry.
[Senate Bill 2564](#) by Kelsey / Status: [Public Chapter 722](#) / Effective Date: July 1, 2014

🚫 CRIME / OTHER

Crime / Gangs -- The Community Safety Act, which aims to curb gang crime, was approved during the 2014 legislative session. The new law clarifies that a petition for the abatement of gang-related conduct may be filed against a criminal gang itself to which the members belong. The court would have the authority to restrict gang activity in certain geographic locations, including public parks.

Gang-related offenses include crimes that Tennessee communities combat every day, such as robbery, carjacking, and drug possession with intent to sell, among other more violent offenses. This year's legislation builds on a law passed in 2013 that changed the definition of "criminal gang offense" from a vague and broad definition to a specific list of offenses to make it easier for prosecutors to seek a greater sentence. Other laws enacted since 2011 create tougher sentences for certain types of crimes committed by three or more acting in concert and tougher sentences for convicted felons who persist in illegally possessing guns.

The new law requires gang-related conduct to be proven beyond clear and convincing evidence, rather than preponderance. It includes an opt-out provision that allows a gang member to be dismissed from an injunction if he or she renounced membership. The measure also makes it a Class C misdemeanor for a gang member to knowingly violate any temporary or permanent injunction.

[Senate Bill 1634](#) by Norris, Watson, Finney, Burks / Status: [Public Chapter 865](#) / Effective Date: July 1, 2014

Crime Victims / Court Process -- The General Assembly gave final approval to two bills to help crime victims and their families from being further victimized by an unjust court process. The new laws stem from the brutal murders of Knoxville residents Channon Christian and Chris Newsom, who were carjacked, brutally raped, tortured and murdered. Law enforcement authorities have said the murders were among the most heinous crimes in Tennessee history.

Christian and Newsom's killers were tried in a court of law and found guilty by the jury of the brutal crimes five years later. However, due to the presiding judge being found guilty of illegally taking narcotics during the trial, a special judge ordered retrials for the defendants, putting the families through two additional years of painful courtroom testimony before they were convicted a second time. The presiding judge, who verbally accepted the verdict, had not signed a routine form accepting the jury's decision before being removed from the bench. The successor judge decided he could not sign it, even though he found no errors in the trial.

The first bill creates a presumption applicable to a successor judge that the presiding judge, who serves as the 13th juror, is presumed to have completed his duties once the judge accepts the verdict of the jury.

The second measure puts new restrictions on bringing into evidence presumptions or false information that are related to the victim that is totally unrelated to the crime. This provision puts Tennessee law into agreement with the constitutional amendment passed by Tennesseans in 1998 which states crime victims should be free from intimidation, harassment or abuse throughout the criminal justice system.

[Senate Bill 1796](#) by McNally, Campfield, Massey, Yager / Status: [Public Chapter 694](#) / Effective Date: July 1, 2014 and [Senate Bill 1797](#) by McNally, Campfield, Massey, Yager / Status: [Public Chapter 713](#) / Effective Date: July 1, 2014

Death Penalty -- The State Legislature voted to close a loophole in the state's death penalty law. Current law allows for the state to use execution to carry out a death sentence if a court should rule lethal injection is unconstitutional but does not address what happens if the chemicals used in the fatal dose are not available. The new law allows for the death sentence to be carried out through electrocution if the Commissioner of Correction certifies that one or more of the ingredients essential to the lethal injection dose cannot be obtained through no fault of the department.

Lethal injection is the primary method of execution in the state. The legislation is designed to address delays that could occur in executions due to a shortage of lethal injection drugs. That shortage could be compounded if the state does not prevail in keeping the anonymity of the department's lethal injection drug supplier.

There are 75 males and 1 female on death row in Tennessee. Legislation was passed in 2000 specifying lethal injection for all inmates sentenced to death except for death row inmates who committed their crime prior to January 1, 1999, unless he or she requests electrocution.

The last execution in Tennessee was in December 2009, when multi-murderer Cecil Johnson was put to death by lethal injection for three counts of first degree murder. Johnson was convicted in 1981 for the triple killing at a convenience market and was given three death sentences by a jury. Seventeen death row inmates have been sentenced with multiple death sentences.

[Senate Bill 2580](#) by Yager / [Public Chapter 1014](#) / Effective Date: July 1, 2014

Crime / Domestic Violence / Survivor Safety -- Legislation was passed this year to aid victims of domestic violence and ensure perpetrators serve 100% of their sentences day-for-day. The new law requires that repeat offenders must serve at least the mandatory minimum sentence in jail day-for-day and consecutively. It also prescribes that, if the offender receives less than the maximum sentence for the crime, that he or she must spend the difference between the actual time served and the maximum allowable sentence on supervised probation.

Tennessee is currently ranked 6th in the nation for the number of women killed by men. Repeat convicted offenders are sometimes permitted to serve their time on weekends.

In 2012, the General Assembly passed minimum sentencing for repeat domestic assault. However, repeat convicted offenders do not necessarily serve their sentences day-for-day, which means a second-time offender may receive two for one credit and spend as little as 15 days behind bars for inflicting bodily injury on their partner or family member. Called the "Survivor Safety Bill," this legislation goes a step further to require convicted batterers who inflicted bodily injury to serve longer consecutive day-for-day sentences.

[Senate Bill 1794](#) by Massey, Ketron, Burks, Harper / Status: [Public Chapter 693](#) / Effective Date: July 1, 2014

Crime / Domestic Violence / Order of Protection -- Legislation providing more timely protection to victims of domestic violence when the perpetrator lives across county lines has been approved on final consideration. Current law requires notification for an order of protection to be mailed to law enforcement if it is in another county so it can be served on the person perpetrating the domestic violence. The new law allows the order of protection to be faxed from one county to another so it can be served as soon as possible, protecting the victim.

[*Senate Bill 2091*](#) by Green, Burks / Status: [*Public Chapter 993*](#) / Effective Date: Upon becoming law on May 22, 2014

Crime / Domestic / Aggravated Child Neglect – Legislation that raises the penalty for aggravated child neglect or endangerment was approved during the 2014 legislative session. The new statute puts aggravated child abuse into the category of crimes in which convicted offenders must serve at least 85% of their sentences in prison. Currently, those convicted of aggravated child neglect and endangerment are eligible for release after serving 55% of their sentence. The legislature has moved several violent crimes to the 85% category over the past several years, which previously allowed offenders to serve as little as 35% of their sentences behind bars.

[*Senate Bill 1695*](#) by Kelsey / Status: [*Public Chapter 867*](#) / Effective Date: July 1, 2014

Abuse of Elderly and Disabled -- The State Legislature passed legislation to help protect elderly and adults with disabilities from abuse during the 2014 legislative session. The new law increases punishment for adult abuse, exploitation or neglect from a Class E to a Class D felony. The move will help district attorneys prosecute the crime without having to meet the higher evidentiary standard required under the state's adult abuse laws reserved for more serious crimes.

The legislation also requires court clerks to notify the Department of Health when someone has been convicted of adult abuse so the offender can be added to the Adult Abuse Registry. All employers of adult caretakers must check the Registry before hiring an employee. In addition, the bill creates a Task Force comprised of a variety of departments and agencies that will meet over the next several months to develop initiatives to better protect vulnerable adults.

The Tennessee Commission on Aging has reported that assaults on the elderly have grown over the last three years of reporting from 1,360 in 2009 to 1,492 in 2011. In addition, underreporting of abuse may also occur due to incapacitation or abuse that may be mistaken for "usual aging."

[*Senate Bill 1852*](#) by Crowe, Burks, Norris / Status: [*Public Chapter 961*](#) / Effective Date: July 1, 2014

Crime / Felony Arrests -- State lawmakers voted this year to approve legislation which helps ensure innocent individuals are not arrested and jailed on felonies just because someone else has a grudge against them and uses the judicial system to carry out their

feud in court. The new law calls for a law enforcement officer to sign an affidavit of complaint for a felony arrest before a warrant can be issued unless the accusations include domestic violence, sexual assault or stalking.

Under current law any private citizen can give a statement to an officer, take that statement to a judicial commissioner and swear out a warrant against another private citizen with a simple signature. The judicial commissioner is asked to make a probable cause determination based only on one side of the story. This situation results in too many innocent individuals being arrested and imprisoned until they can make bond and push through the judicial system.

The situation was portrayed in detail with the Keith Bullock arrest last year. The case was dismissed within weeks by an Assistant District Attorney, after a cab driver had him arrested for robbery.

The new statute still allows for a private individual to obtain a misdemeanor warrant on their signature alone, but a presumption is created encouraging a citation or summons so people are not arrested and forced to make bond just because another private individual says they should be without any law enforcement investigation at all. Private individuals would still be able to obtain a felony or misdemeanor indictment through the Grand Jury process.

[Senate Bill 1434](#) by Overbey / Status: [Public Chapter 531](#) / Effective Date: July 1, 2014 and shall apply to all warrants of arrest and criminal summons issued before or after such date

Theft / Re-encoders -- State Senators voted to approve a new law making it a Class A misdemeanor offense to use a credit card skimming device, also known as a re-encoder, to steal an individual's credit card number or data stored through the card's magnetic stripe. Since 2001, 31 states and Puerto Rico have enacted statutes that provide criminal penalties for using the device to aid or abet theft.

[Senate Bill 1959](#) by Bell / Status: [Public Chapter 669](#) / Effective Date: July 1, 2014

Copyrighted Works / Piracy -- Legislation aiming to curb piracy of copyrighted movies and music produced by Tennessee artists has received final approval by the General Assembly. The bill deals with online retailers, many which are based overseas, that sell audio and visual recordings fraudulently via the Internet. The new law creates civil penalties for failure to clearly and conspicuously disclose correct names, physical address, and a telephone number on a website or online service in a location readily accessible to online users. This gives the state the opportunity to get involved in enforcement activity and provides consumers with information regarding whether the business is a legal entity. It also addresses issues of non-compliance with other third party companies that may be supporting that website which can be a powerful remedy in tackling the problem of piracy.

[Senate Bill 1936](#) by Johnson, Yager / Status: [Public Chapter 595](#) / Effective Date: July 1, 2014

Felons / Employment – State lawmakers approved legislation to help reformed former felons seek employment and lead lawful lives as productive members of society. The new law will allow a person who has turned his life around to receive a certificate of employability. This certificate will give businesses who hire these reformed felons protection from negligent hiring lawsuits. The measure protects the public by requiring a judge to determine that an individual does not pose a risk to public safety before he or she can receive a certificate of employability.

[Senate Bill 276](#) by Kelsey, Gardenhire, Harper / Status: [Public Chapter 815](#) / Effective Date: January 1, 2015

☼ VETERANS

On legislation aiding and honoring those who serve or have served in the military, the General Assembly passed several initiatives to help veterans and their children, including:

- **Budget --** The state budget approved this year provides additional funding for the construction of a veterans nursing home in Bradley County, as well as initial start-up money for site evaluation and acquisition of land for the next state veterans' nursing home in West Tennessee. The budget also keeps funding increases intact to provide property tax relief for veterans, disabled and the elderly. [Senate Bill 2596](#) by Norris / Status: [Public Chapter 919](#) / Effective Date: July 1, 2014, however, any provision of this act which authorizes prior or immediate expenditures and any section or item which specifies an immediate effective date shall take effect upon becoming law on May 14, 2014
- **Education (ALSO FILED UNDER HIGHER EDUCATION) --** Major legislation was approved creating a statewide support structure that offers in-state tuition rates for veterans pursuing higher education. The Veterans Education Transition Support (VETS) Act encourages enrollment of veterans and removes barriers known to impede their success in attaining higher education credentials. The legislation provides that veterans enrolling within 24 months of discharge immediately receive the in-state tuition rate when starting college classes, eliminating the issue of residency for those relying on GI Bill benefits. To maintain in-state status and rates, veterans have one year to present proof of established residency, such as a driver's license, motor vehicle registration, registering to vote or proof of employment. The new law also creates a "VETS Campus" designation to recognize and promote schools that make veteran enrollment a priority. [Senate Bill 1433](#) by Norris, Crowe, Green, Gresham, Henry, Beavers, Bell, Bowling, Burks, Campfield, Dickerson, Finney, Gardenhire, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Massey, McNally, Niceley, Overbey, Southerland, Stevens, Summerville, Tate, Tracy, Watson, Yager, Ramsey / Status: [Public Chapter 612](#) / Effective Date: Tuition changes are effective beginning July 1, 2014 and shall apply to veterans enrolled in public institutions of higher education beginning with the fall semester of the 2014-2015 academic year, but for all other purposes, it is effective upon becoming law.
- A new law was passed giving high school physical education and wellness credits to Tennessee students who enlist in the military before graduation upon successful

completion of basic training (the bill allows the military student to substitute the credit for two elective courses if they so choose).

Senate Bill 477 by Green, Gresham, Crowe, Ford, Harper / Status: [Public Chapter 487](#) / Effective Date: Upon becoming law on February 13, 2014

- **Children** -- Lawmakers voted to help families of soldiers who were killed in the line of duty by adding their four-year-old children to the list of students who may attend the state's voluntary Pre-K program and exempting them from the wait list at day care facilities (giving soldiers who have paid the ultimate price the same credits that are already provided to those who are deployed).

[Senate Bill 2093](#) by Green, Ketron, Crowe, Overbey, Ford, Yager / Status: [Public Chapter 972](#) / Effective Date: Upon becoming law

- A measure was approved calling for school systems to add a special identifier in the current database that the student is the dependent of a military person in the effort to help meet the student's education needs.

[Senate Bill 2006](#) by Green / Status: [Public Chapter 925](#) / Effective Date: July 1, 2014

- Legislation authorizing a student to be excused for up to 10 days cumulatively within any school year to visit a family member or guardian who is on active military duty has passed. The student must provide documentation as proof of the service member's deployment.

[Senate Bill 1161](#) by Gresham, Yager, Burks, Crowe / Status: [Public Chapter 155](#) / Effective Date: July 1, 2013

- The House and Senate passed a resolution recognizing the month of April 2014 as the Month of the Military Child. The resolution urges all citizens, businesses, and government leaders to observe the month with appropriate ceremonies and activities that honor, support, and thank military children. It is estimated that more than 20,000 of Tennessee's children and youth have been directly affected by the military deployment of at least one parent.

[Senate Joint Resolution 848](#) by Gresham, Crowe, Green, Henry, Beavers, Bell, Bowling, Burks, Campfield, Dickerson, Finney, Gardenhire, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Niceley, Norris, Overbey, Stevens, Summerville, Tate, Tracy, Watson, Yager, Ramsey / Status: Signed by the Governor on May 6, 2014

- **State Jobs** -- Legislation was approved to help ensure that while a soldier is deployed that his or her state job cannot be given away, and if it is that he or she can pursue legal action under the Uniformed Services Employment and Reemployment Rights Act of 1994.

[Senate Bill 2004](#) by Green, Crowe, Johnson, Overbey, Stevens / Status: [Public Chapter 574](#) / Effective Date: July 1, 2014 and applies to all claims against a governmental entity accruing on or after such date

- **Honoring Veterans** -- A bill was passed designating the Honor and Remember Flag as the official state symbol of Tennessee's concern and commitment for members of the United States Armed Forces who have lost their lives in service. The Honor and Remember Flag is endorsed by veteran service organizations and

is becoming a nationally accepted symbol of remembrance. The flag serves as a visible reminder to all Americans of the lives lost in defense of freedom.

[*Senate Bill 1431*](#) by Green, Crowe, Ford, Kyle, Bell, Burks, Overbey, Yager / Status [*Public Chapter 539*](#) / Effective Date: Upon becoming law on March 17, 2014

- The General Assembly approved a resolution to name the Tennessee State Veterans Home in Clarksville in honor of Brigadier General Wendell H. Gilbert. Gilbert graduated from West Point and is a veteran of the Vietnam conflict. During his service, Brigadier General Gilbert received the Legion of Merit with 1 Oak Leaf Cluster; Bronze Star with 1 Oak Leaf Cluster; Meritorious Service Medal with 1 Oak Leaf Cluster; Air Medal; Army Commendation Medal with 1 Oak Leaf Cluster; National Defense Service Medal; Vietnam Service Medal; Vietnam Gallantry Cross with Silver Star and with Bronze Star; and 4 Overseas Bars. After retiring from the U.S. Army, General Gilbert served as Tennessee's Commissioner of Veterans Affairs, Deputy to Governor Don Sundquist for Homeland Security, and Vice-President for Development and University Relations for 17 years at Austin Peay University.

[*Senate Bill 1443*](#) by Green, Norris, Summerville, Crowe, Beavers, Bell, Bowling, Burks, Campfield, Dickerson, Finney, Gardenhire, Gresham, Haile, Harper, Henry, Hensley, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Niceley, Overbey, Southerland, Stevens, Tate, Tracy, Watson, Yager, Ramsey / Status: [*Public Chapter 613*](#) / Effective Date: Upon becoming law on April 4, 2014

- ***Automobile License Plates*** -- Legislation to provide free automobile license plates to soldiers and veterans who have received medals for valor was approved during the 2014 legislative session. This bill clears up confusion regarding free plates for the highest honor awarded to veterans, which in the past did not cover all categories of valorous medals, while providing them to some selected honors given for meritorious service, while "grandfathering in" those who have received free plates in the past.

[*Senate Bill 1913*](#) by Green, Burks / Status: [*Public Chapter 966*](#) / Effective Date: May 19, 2014

- ***Handgun Permit Fees*** – Legislation was approved providing that a person who is on active duty or has been honorably discharged from the armed forces or who is currently serving in the National Guard has to pay only that portion of the initial handgun carry permit fee that is necessary to conduct a criminal history record check.

[*Senate Bill 1672*](#) by Southerland, Overbey, Bowling, Campfield / Status: [*Public Chapter 866*](#) / Effective Date: For the purpose of initiating the process of implementing the staggered handgun permit renewal dates, this act shall take effect upon becoming a law on May 1, 2014. For the purpose of implementing the staggered dates in accordance with Section 1, this act shall take effect thirty days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety's "A-list" driver license program is capable of implementing staggered dates in accordance with Section 1 or on January 1, 2016, whichever is earlier. Section 2 of this act shall take effect January 1, 2016.

- ***National Guard*** -- The legislature unanimously adopted a resolution expressing strong opposition to the U.S. Army's aviation restructuring proposal to eliminate all Kiowa Warrior helicopters from the 1/230th Air Cavalry Squadron. Tennessee

is the only state in which the National Guard operates the Kiowa Warrior, which is primarily operated in an armed reconnaissance role in support of ground troops. The federal restructuring proposal would eliminate thirty Kiowas authorized for the 1/230th Air Cavalry Squadron. This includes twenty based at McGhee Tyson Air National Guard Base in Alcoa and ten aircraft authorized for the squadron's Jackson location. It would also mean the loss of 692 soldiers in Tennessee who support the helicopters, including elimination of 113 full-time jobs. A copy of the resolution will be sent to the U.S. Secretary of Defense and the Secretary of the U.S. Army.

[Senate Joint Resolution 710](#) by Overbey, Finney, McNally, Massey, Green, Crowe, Gresham, Henry, Beavers, Bell, Bowling, Burks, Dickerson, Gardenhire, Haile, Harper, Hensley, Johnson, Kelsey, Ketron, Kyle, Niceley, Norris, Southerland, Stevens, Summerville, Tate, Tracy, Watson, Yager, Ramsey / Status: Signed by the Governor on April 14, 2014

☼ **CITIZENS' RIGHTS/ SECOND AMENDMENT / PRIVACY**

Second Amendment Rights / State Authority -- Several Second Amendment rights bills were approved this year, including legislation giving the state all authority over the regulation of firearms. The measure gives counties and municipalities authority over regulations regarding the discharge of a firearm. The new law provides consistency across county lines and is in keeping with the State Constitution which says the state is responsible for the regulation and "wearing of arms." The legislation does not apply to local authority in regards to zoning for shooting ranges, the authority to carry a gun on an employer's property and other exceptions that the General Assembly has delegated to local governments.

[Senate Bill 1612](#) by Green, Bowling, Campfield / Status: [Public Chapter 822](#) / Effective Date: Upon becoming law on April 28, 2014

Second Amendment Rights / Castle Doctrine -- The General Assembly voted to approve a bill which recognizes a person's automobile as an extension of their home in applying the state's Castle Doctrine. The Castle Doctrine designates a person's home as a place in which that individual has certain protections and immunities permitting him or her to legally use force to defend themselves against an intruder. This bill recognizes court action which has upheld extension of the Castle Doctrine to a person's automobile.

[Senate Bill 1774](#) by Bell / Status: [Public Chapter 870](#) / Effective Date: July 1, 2014

Second Amendment Rights / Drones / Hunter Harassment -- A new law has been approved to add the use of drones to Tennessee's hunter harassment law. The bill prohibits the use of drones to conduct video surveillance of private citizens who are lawfully hunting or fishing. The measure comes after People for Ethical Treatment of Animals (PETA) announced a new hobby drone that can monitor hunters' activities and subject them to harassment. This new law makes it illegal for drones to interfere with private citizens who are legally hunting or fishing in the state.

[*Senate Bill 1777*](#) by Bell, Bowling, Yager / Status: [*Public Chapter 629*](#) / Effective Date: July 1, 2014

Second Amendment Rights / Safe Commute -- Three new laws were passed this year cleaning up the 2013 “Safe Commute Act” which protects the Second Amendment rights of legal gun permit holders while traveling to and from their workplace. The first statute redefines “motor vehicle” under Tennessee’s parking lot law to include all vehicles lawfully possessed by the permit holder with the exception of government or business owned vehicles. This legislation ensures that incidental exposure of a firearm during the course of securing that firearm in a locked vehicle does not violate state law with regards to having a firearm in a locked vehicle on an employer’s parking lot.

The second law declares that a handgun carry permit holder transporting or storing a firearm does not violate state law if the gun is observed by another person or security device during the ordinary course of the person securing the firearm in their automobile.

Similarly, legislation was approved clarifying the intent of the 2013 Safe Commute law and making the bill uniform across the state.

[*Senate Bill 1700*](#) by Green / Status: [*Public Chapter 498*](#) / Effective Date: May 1, 2014

[*Senate Bill 1701*](#) by Green / Status: [*Public Chapter 505*](#) / Effective Date: May 1, 2014

[*Senate Bill 2031*](#) by Hensley / Status: [*Public Chapter 768*](#) / Effective Date: May 1, 2014

Second Amendment Rights / Handgun Permits -- The General Assembly adopted legislation to allow for a handgun carry permit holder to change their address with the state online if they so choose to ease the process.

Another bill passed this year to help make the handgun permit process easier by lengthening the time in which a handgun carry permit is valid from four to five years, with expiration on the holder’s birthdate. It provides that in the future the permit will align with the holder’s driver’s license renewal expiration date to ease the process.

The new law also provides that a person who is on active duty or has been honorably discharged from the armed forces or who is currently serving in the National Guard has to pay only that portion of the initial handgun carry permit fee that is necessary to conduct a criminal history record check.

[*Senate Bill 495*](#) by Green / Status: [*Public Chapter 816*](#) / Effective Date: Upon becoming law on April 28, 2014 / [*Senate Bill 1672*](#) by Southerland, Overbey, Bowling, Campfield / Status: [*Public Chapter 866*](#) / Effective Date: For the purpose of initiating the process of implementing the staggered handgun permit renewal dates, this act shall take effect upon becoming a law on May 1, 2014. For the purpose of implementing the staggered dates in accordance with Section 1, this act shall take effect thirty days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety’s “A-list” driver license program is capable of implementing staggered dates in accordance with Section 1 or on January 1, 2016, whichever is earlier. Section 2 of this act shall take effect January 1, 2016.

Privacy Rights / Electronic Surveillance -- Legislation advanced through the General Assembly this year to prohibit state and local police agencies from accessing or retrieving

the location data of residents by surveillance of an electronic device without a court warrant. The new law helps to ensure the government does not take advantage of technological advances in cell phones, laptops and other electronic devices to spy without appropriate judicial oversight.

Law enforcement made 1.1 million requests to wireless carriers for cellphone data information in 2012 according to a report delivered to Congress in December. The three largest wireless companies, AT&T, Sprint and Verizon reported they have received 56,400 “emergency” requests from police departments which did not have a warrant or court order. One company reported their requests from police have doubled in the past five years.

In addition, public records obtained by USA Today and Gannett reveal that about one in four law enforcement agencies in the U.S. have used “tower dumps.” This is a surveillance tactic which covers multiple towers and wireless providers to give police a multitude of electronic data about a targeted cell phone user. The digital dragnets also capture information on other persons using wireless devices in the area who are not suspected of wrongdoing.

The electronic privacy bill, which is modeled after a Montana law, allows exceptions in order to respond to a possible life-threatening situation, an emergency call by the user, when a device is reported as stolen, or other exigent circumstances, unless there is informed consent by the owner. The legislation prescribes a Class C misdemeanor for violation.

[Senate Bill 2087](#) by Beavers, Campfield / Status: [Public Chapter 991](#) / Effective Date: May 22, 2014

Privacy Rights / UAVs / Farming -- Legislation aiming to protect the privacy of citizens against the improper use of unmanned aerial vehicles (UAV) to collect images or video passed during the 2014 legislative session. The measure is a proactive effort to protect the privacy of citizens as the Federal Aviation Administration, which currently has authority over UAVs, is in the process of lifting their regulations. This action would create a vacuum in Tennessee law for the private use of these vehicles.

The new law creates a criminal offense for using these vehicles except for certain exceptions, including the landowner’s permission, testing of aircraft authorized by the FAA, activity by the military, law enforcement for the pursuit of felony criminals, satellite mapping, and such emergency situations like an oil spill, fire suppression and to rescue a person in danger. The provision allowing landowners to utilize the vehicles helps to ensure farmers can use them for agricultural purposes. Farmers are increasingly using UAVs to monitor their crops. It is predicted that this trend will increase dramatically over the next ten years.

A violation of the basic prohibition will be a Class C misdemeanor under the bill with subsequent distribution or use of unauthorized images as a Class B misdemeanor.

The legislation reinforces a bill passed last year which prohibited the use of drones by state officials, except under certain limited circumstances.

[*Senate Bill 1892*](#) by Stevens, Bowling, Norris, Campfield / Status: [*Public Chapter 876*](#) / Effective Date: July 1, 2014

Privacy Rights / Search and Seizure -- A new law was passed this year which prohibits law enforcement officers from searching or seizing a person's cellular telephone data, unless there is a search warrant, the owner gives informed consent, it is abandoned or exigent circumstances exist to suspect criminal activity at the time of the seizure. The new law classifies cellular telephones as sealed containers and prohibits the search and seizure during a routine traffic stop.

No cellular telephone data that is obtained in violation of the legislation is allowable in any court of law as evidence.

[*Senate Bill 1757*](#) by Beavers / Status: [*Public Chapter 785*](#) / Effective Date: July 1, 2014

Privacy Rights / Automated License Plate Data -- Lawmakers voted this year to protect the privacy of innocent drivers in Tennessee. Governments currently use cameras, with the most common being automated license plate recognition for traffic law enforcement. Traffic cameras have also been used to help find those with an outstanding warrant. The new law prohibits any state or local government agency from storing or retaining any captured plate data for more than 90 days, unless there is an ongoing criminal investigation.

[*Senate Bill 1664*](#) by Kelsey, Campfield / Status: [*Public Chapter 625*](#) / Effective Date: July 1, 2014

Private Traffic Checkpoints -- Legislation to ban state and local police from participating in traffic checkpoints conducted by private contractors in Tennessee has received final approval. This new statute aims to stop any prospective checkpoints conducted by private research contractors from doing random checkpoint DNA tests on Tennessee drivers. The practice has been reported in at least 30 U.S. cities where drivers said they were pressured into providing saliva samples or to submit to a blood test. Affected drivers claim they were forced off the road by employees of the contractor who were accompanied by local law enforcement agencies with flashing lights for a supposedly "voluntary" DNA test.

[*Senate Bill 1485*](#) by Bell / Status: [*Public Chapter 578*](#) / Effective Date: Upon becoming law on March 28, 2014

✪✪ROADS AND RULES OF THE ROAD / DUI

Roads / County Bridge Relief Act -- Legislation returning millions of dollars to taxpayers in the form of bridge infrastructure improvements was approved this year. The County Bridge Relief Act of 2014 changes the way Tennessee currently manages its State Aid

Bridge Grant Program to make it easier for communities to access state funds to upgrade, repair, and rehabilitate bridges that have fallen into disrepair over the years.

The legislation helps to unlock \$9.54 million in local money that has been sitting unused for a number of years to help aid communities with important bridge infrastructure projects. The money is unused mostly due to the local match required to access the funds.

Currently, to receive funding through the Bridge Grant Program, a 20% local match must be made by local governments. However, because many localities cannot afford the match, a large percentage of the bridge funding set aside by the state has gone unused. This new law reduces this local match percentage to only 2%. In addition, it allows local governments to match the rate by using in-kind services as approved by the Commissioner of Transportation.

[Senate Bill 1679](#) by Yager, Beavers, Tracy / Status: [Public Chapter 573](#) / Effective Date: Upon becoming law on March 28, 2014

State Highways / Rapid Transit -- Legislation was passed in 2014 specifying that no metropolitan government or transit authority can operate a bus rapid transit system using a separate lane or other separate right-of-way dedicated solely to that use unless it is approved by the legislative body and the Tennessee Department of Transportation. The focus of the measure, which addresses any future systems, is to keep mass transit passengers safe when they are discharged from the bus onto state roads. The legislation also addresses any congestion that could be the result of such a future transit system on roads owned by the people of Tennessee.

[Senate Bill 2243](#) by McNally, Tracy / Status: [Public Chapter 998](#) / Effective Date: July 1, 2014

Roads / Murfreesboro to Nashville Monorail Study -- The State Legislature approved legislation calling for a study to determine the feasibility of a monorail public transportation system along the I-24 Nashville Southeast Corridor that connects downtown Murfreesboro to Nashville. The bill directs the Department of Transportation to look at the costs of construction, operation and financing of the monorail system, including identifying all public and private funding sources. TDOT will report its findings and recommendations to the Senate and House Transportation Committees by February 1, 2015. The 32-mile strip of interstate is the most congested corridor in the state, with the population of Rutherford County expected to grow from 290,000 to 600,000 by 2025.

[Senate Bill 2515](#) by Ketron / Status: [Public Chapter 1009](#) / Effective Date: May 22, 2014

Rules of the Road / E-Citations -- A bill setting up a framework for the issuance of e-citations in Tennessee has been adopted. An e- (electronic) citation is an automated traffic ticket that is prepared by a law enforcement officer and filed electronically with the court. The new law aims to cut the time police officers spend on the side of the road at a traffic stop by 10 minutes, freeing them up for more important duties. Several tragic

accidents involving law enforcement officers during traffic stops point to a real safety concern during issuance of citations.

The bill also eliminates concerns over legibility of handwritten citations and clerical errors, as well as reducing the costs for data entry processing of citations to the courts. In order to defray the costs of the system, a \$5.00 fee would be paid by defendants that plead guilty or are found guilty. Currently six cities in Tennessee use e-citations and two are in the process of implementing the system. Eight states have already implemented e-citations in their state.

[*Senate Bill 2350*](#) by Ketron / Status: [*Public Chapter 750*](#) / Effective Date: July 1, 2014 and applies to all offenses occurring after that date

Rules of the Road / Yellow Lights -- Legislators approved a bill that authorizes drivers, in the event they cannot stop safely for a yellow light, to drive cautiously through the intersection.

[*Senate Bill 2056*](#) by Niceley / Status: [*Public Chapter 998*](#) / Effective Date: July 1, 2014

Rules of the Road / Speed Trap Prevention -- Legislation designed to prevent a small municipality from policing the interstate highways with speed traps was passed by the 108th General Assembly. The new law requires a municipality with a population between 2,500 and 10,000 to have at least one interstate exit within their boundaries to have the authority to patrol the interstate with local police. Those municipalities with less than 2,500 in population must have two interstate exits within their boundaries and own the land between them before being permitted by the Commissioner of Safety to patrol the interstate with local police.

[*Senate Bill 1947*](#) by Niceley / Status: [*Public Chapter 674*](#) / Effective Date: For rulemaking purposes it is upon becoming law and for all other on July 1, 2014

DUI / Recidivism -- Legislation which focuses on reducing recidivism for DUI offenders was approved during the final legislative week. The new statute gives courts the power to sentence second- and third-time DUI offenders to a substance abuse treatment program as a condition of probation after completing a clinical substance abuse assessment and serving a period of time of confinement in jail.

Under the “Recidivism Reduction Act of 2014” DUI offenders will serve 25 days of up front jail time upon a second offense, before participating in a substance abuse treatment program. Those convicted on a third offense will serve at least 65 days in prison before being sentenced to treatment. The legislation allows a judge to keep a second or third DUI offender on probation for up to two years if the offender participates in treatment.

Studies show that graduates of a treatment program end up with a recidivism rate of only 10 percent. This new law takes the most dangerous drivers off our roads by giving the judge the authority to order them to treatment.

[Senate Bill 1633](#) by Norris, Overbey, Burks, Yager / Status: [Public Chapter 902](#) / Effective Date: July 1, 2014 and shall apply to any person committing a second or third violation on or after such date. If a person commits a second or third violation prior to such date, but the conviction for such offense does not occur until after July 1, 2014, the person shall elect to the judge at the time of conviction whether to come within the provisions of this act or be sentenced in accordance with the law in effect at the time the offense was committed.

DUI / Ignition Interlocks – Legislation was passed this year which makes minor revisions to the DUI and ignition interlock legislation that the Tennessee General Assembly enacted in 2013. The National Highway Transportation Safety Administration (NHTSA) found two provisions of Tennessee’s ignition interlock law which were not in sync with federal requirements. These provisions include a requirement that states suspend the driver’s license of repeat DUI offenders for a minimum of one year with only limited exceptions allowing the offender to drive equipped with an ignition interlock device. As a result, NHTSA required the state’s Department of Transportation in 2014 to take about \$18 million of its federal aid funds which would ordinarily be allocated to highway construction and maintenance, and transfer them to be used only for alcohol impaired driver programs or certain limited safety projects.

The bill eliminates the exception allowing repeat DUI offenders to drive an employer-owned vehicle without an ignition interlock while that person is at work. The measure also amends another section of the Tennessee law that authorizes courts to allow persons arrested for a DUI to have a restricted license for the limited purpose of driving to and from work without requiring the interlock device in the vehicle. This makes it clear that the provision allowing a restricted driver license to drive to and from work applies only to the period after a person has been arrested but not yet convicted of a DUI. Finally, the legislation clarifies that a restricted driver license does not override any other restrictions on a person’s driver license.

[Senate Bill 1643](#) by Norris, Beavers / Status: [Public Chapter 587](#) / Effective Date: July 1, 2014

COMMERCE AND AGRICULTURE

In addition to preparing students for the 21st century global marketplace, the legislature continued its efforts to create a business-friendly climate which draws new and better paying jobs to the state. Over the past several years, the General Assembly has passed a number of initiatives to create and grow jobs including tort reform to provide predictability to business and workers’ compensation reform to create a streamlined system for employees and employers. As a result of these and other efforts, Tennessee ranks first in the Southeast in GDP, personal income growth, and manufacturing jobs growth; and first in the nation for infrastructure and global access, and auto manufacturing strength. In addition, *Business Facilities* magazine named Tennessee as its ‘2013 State Of The Year’ for economic development; *Site Selection* magazine ranks the state second for economic development success; and *Chief Executive Magazine* lists Tennessee as fourth best state in the U.S. for business in their annual “best and worst states” survey.

Employment Law Reform -- Legislation was approved this year to reform Tennessee's cumbersome employment law which makes it harder to settle workplace discrimination and retaliation cases. The bill also provides clarity and uniformity while maintaining adequate provisions to penalize employers and individuals who violate provisions of existing law.

Key provisions in the bill include:

- Elimination of filing simultaneous state and federal lawsuits, meaning employees must pick one court, not both;
- Implements reasonable caps, consistent with prior tort reform legislation, on certain types of damages that an employee can recover under the THRA to prevent forum shopping;
- Conforms the Tennessee Human Rights Act (THRA) to federal law so that only the employing entity, and not the individual supervisor, may be sued for employment discrimination and retaliation;
- Requires employees that have a whistleblower claim under the Tennessee Public Protection Act to report the alleged illegal activity outside of the employer's organization to help prevent unsubstantiated claims; and,
- Eliminates a former employee's ability to bring two different types of retaliatory discharge claims on the same set of facts.

[Senate Bill 2126](#) by Johnson, Kelsey / Status: [Public Chapter 995](#) / Effective Date: July 1, 2014 and shall apply to all actions accruing on or after the effective date.

Department of Revenue / Taxpayer Conferences -- Members of the General Assembly approved legislation designed to improve the Tennessee Department of Revenue's processes for making assessments and holding taxpayer conferences. The new law, which is very important to businesses, formalizes existing policies and procedures that assure taxpayers of an informal and open review process. The legislation makes it clear that the findings of the department's audit division are not final until the taxpayer has an opportunity to meet in a conference with the commissioner or his designee. It also provides the department with authority to compromise on small assessments without additional approvals. Finally, it allows the department to include refund claims in the conferencing process and sets out a process for the departments to issue public guidance to taxpayers, practitioners, and auditors regarding conference decisions.

[Senate Bill 1635](#) by Norris, Gardenhire, Overbey / Status: [Public Chapter 854](#) / Effective Date: January 1, 2015

Unemployment Insurance / Job Recruitment -- A new law which is designed to help attract new businesses to the state met legislative approval this year. The measure allows new companies coming to Tennessee to base their unemployment insurance premiums on the past history of the state from which they are relocating.

Under present law, workers who lose their jobs through no fault of their own are provided weekly unemployment insurance payments. These payments are funded by employers who pay taxes on the wages paid to employees. The tax rate that employers must pay is based on whether they are a new employer or an experience-rated employer. New

companies locating to the state must currently pay a higher rate because they have no prior experience in Tennessee.

The legislation calls on companies participating in this new program to provide the department with all necessary employment data dating back three years. Proponents of the legislation believe this change in the unemployment insurance law will help recruit an additional five manufacturers to the state each year.

[*Senate Bill 1763*](#) by Ketron, Bowling, Stevens / Status: [*Public Chapter 762*](#) / Effective Date: July 1, 2014

Invest Tennessee Exemption / Crowdfunding -- State lawmakers approved a new statute to make changes to the Tennessee Securities Act by creating the “Invest Tennessee Exemption” to allow crowdfunding investment. Crowdfunding is the collection of finance to sustain an initiative from a large pool of backers—the “crowd.” The law allows the raising of up to \$1 million in increments of \$10,000 per Tennessee investor. The initiative is most commonly used in a financing campaign for a start-up company.

[*Senate Bill 1481*](#) by Kelsey, Finney, Overbey / Status: [*Public Chapter 943*](#) / Effective Date: For rulemaking it is effective upon becoming law on May 19, 2014. For all other purposes it is enacted on January 1, 2015

Limited Liability Partnerships – The legislature adopted legislation during the 2014 session to give partners seeking limited liability protection a similar level of liability protection that members of Limited Liability Corporation’s (LLC) currently have. The new law makes clear that partners in Limited Liability Partnerships (LLP) are not personally liable for partnership obligations, whether arising in contract, tort or otherwise, unless the liability arises out of an individual’s partners own wrongful acts, omissions, torts, misconduct, malpractice etc.

[*Senate Bill 1613*](#) by Stevens / Status: [*Public Chapter 641*](#) / Effective Date: July 1, 2014

Unions / Workplace Intimidation – Under new legislation passed this year, it constitutes extortion to impair the free exercise or enjoyment of any right or privilege secured by the laws of Tennessee in an effort to obtain something of value. The bill aims to help remove disorderly conduct from the workplace.

[*Senate Bill 1662*](#) by Kelsey / Status: [*Public Chapter 982*](#) / Effective Date: July 1, 2014 and applies to offenses on or after July 1, 2014

Industrial Hemp -- A new law allowing farmers to be licensed to grow hemp in Tennessee was approved in 2014. Over the years, many people have mistakenly associated hemp with marijuana; however they are actually two very different species. Not only do they look drastically different, but they are also cultivated in very dissimilar ways. Although it is legal to import, purchase or export hemp, it is illegal to grow it in Tennessee. In recent years, states like neighboring Kentucky have passed measures legalizing the farming of hemp for industrial purposes. These purposes include turning the plant’s fibers into such products as oil, wax, resin, rope, cloth, pulp, paper,

and fuel. There are approximately 75 manufacturers using hemp in America today, most prevalently with plastics, which can be reinforced with hemp.

[Senate Bill 2495](#) by Niceley, Bowling, Green / Status: [Public Chapter 916](#) / Effective Date: Upon becoming law for the rules which are to be promulgated within 120 days of the act becoming law, otherwise it is effective July 1, 2014

Agritourism -- The House and the Senate have approved legislation amending Tennessee's "Right to Farm Act" to help farmers who supplement their income through agritourism.

Agritourism, or agricultural tourism, is a commercial enterprise at a working farm conducted for the enjoyment or education of visitors and that generates supplemental income for the farm owner. It is estimated that visitors spend more than \$34.4 million in Tennessee each year at agritourism operations, which includes such entertainment activities as pumpkin patches, corn mazes, festivals, U-pick and tree farms. A 2013 Tennessee Supreme Court decision, however, questioned what activities constitute an agricultural activity under current law.

The new law adds "the marketing of farm products in conjunction with the production of farm products and any other form of agriculture" to the definition of farm operations in the Right to Farm act. It also expands the definition of agriculture by adding "entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock," when such activities occur on land used in commercial production.

[Senate Bill 1614](#) by Norris, Burks, Ford / Status: [Public Chapter 581](#) / Effective Date: Upon becoming law on March 28, 2014

UAVs / Farming (ALSO FILED UNDER CITIZENS' RIGHTS) -- Legislation was passed this year which both protects the privacy of citizens against the improper use of unmanned aerial vehicles (UAV) and ensures the rights of farmers to utilize them for agricultural purposes. The Federal Aviation Administration, which currently has authority over UAVs, is in the process of lifting their regulations. This action would create a vacuum in Tennessee law for the private use of these vehicles to collect images or video.

The legislation allows landowners to utilize the vehicles on their property. This provision helps to ensure farmers can use them for agricultural purposes. Farmers are increasingly using UAVs to monitor their crops. It is predicted that this trend will increase dramatically over the next ten years.

The new law creates a criminal offense for using these vehicles except for certain exceptions, including the landowner's permission, testing of aircraft authorized by the FAA, activity by the military, law enforcement for the pursuit of felony criminals, satellite mapping, and such emergency situations like an oil spill, fire suppression and to rescue a person in danger. A violation of the basic prohibition will be a Class C

misdemeanor under the bill with subsequent distribution or use of unauthorized images as a Class B misdemeanor.

Senate Bill 1892 by Stevens, Bowling, Norris, Campfield / Status: [Public Chapter 876](#) / Effective Date: July 1, 2014

CONSUMERS

Consumers / Wine in Grocery Stores -- Legislation that lets Tennesseans in certain communities vote on whether to allow the sale of wine in retail food stores via a local referendum was approved by the Tennessee General Assembly this year. The referendum bill applies to communities that currently allow retail package stores, liquor-by-the-drink establishments or both.

In order to place the referendum on the ballot, a petition must be presented to the county election commission where the referendum is to be held. The petition must include signatures from 10 percent of the jurisdiction's population that voted in the last gubernatorial election. The first opportunity that a referendum could be on the ballot is November 2014. If approved by the voters, wine sales in food stores could begin on July 1, 2016.

Businesses in areas authorized to sell wine must receive a retail food store wine license and participate in the Tennessee Alcoholic Beverage Commission's Responsible Vendor Program. This program requires retailers' employees to complete training on the responsible sale of alcoholic beverages. The legislation also calls for mandatory carding for package stores and requires that all transactions must be face to face, rather than through a "self-checkout" system.

Other provisions of the new law include:

- package stores, which are currently limited to the sale of alcohol, will be permitted to sell other items like mixers, glasses, corkscrews, food, beer and cigarettes beginning July 1, 2014;
- the hours for retail food stores would mirror package store hours of 8:00 AM to 11:00 PM Monday through Saturday, with no Sunday sales;
- beer wholesalers may also be licensed as an alcoholic beverage wholesaler;
- allows wholesalers to operate in counties with a population of more than 120,000; and
- sets the minimum square footage requirements for newly licensed food stores to be able to sell wine to 1,200 square feet and sets the cost of the license at \$1,250.

Thirty-six states, including six of Tennessee's border states, allow the sale of wine in retail food stores.

Senate Bill 837 by Ketron, Bowling, Henry / Status: [Public Chapter 554](#) / Effective Date: The legislation provides for three dates of enactment. The section regarding the referendum is upon becoming law. Section 30 which includes the 20 percent minimum mark-up is July 1, 2016. For all other purposes, which

includes the sale of other items in liquor stores, it is effective July 1, 2014. (The first opportunity that a referendum could be on the ballot is November 2014)

Consumers / Craft beer -- Beginning January 1, 2017, beer up to eight percent alcohol by weight can be sold anywhere beer is currently available, including convenience and grocery stores, under legislation approved by the General Assembly this year.

Craft beer is the fastest growing segment of the beer industry. This growth is driven by consumer demand for more styles and varieties of beer. High gravity craft beer means that brewers are adding more ingredients during the brewing process in order to create a more complex and uniquely flavored beer, not necessarily to increase the alcohol content.

This new law allows craft brewers to sell their high gravity beer in their tap rooms beginning July 1, 2014. The legislation clarifies the law that allows liquor retailers to sell high gravity craft beer growlers. It also ensures that current brand rights agreements are not affected by the change in the definition of beer.

The bill will encourage Tennessee's craft brewer entrepreneurs to grow their businesses, as well as attract craft brewers from other states to market and brew their product in Tennessee.

[Senate Bill 289](#) by Ketron, Green, Kelsey, Dickerson, Tate / Status: [Public Chapter 861](#) / Effective Date: Section 17(Tennessee Code Annotated, Section 57-5-101(c)(1)(A), is amended by adding the language "or high alcohol content beer or both" after the language "barrels of beer") is July 1, 2014, Section 1 and 2 is July 1, 2017, all other sections are upon becoming law on May 1, 2014

Sinkholes / Consumers -- State legislators voted to adopt a bill protecting consumers and insurers in cases involving sinkholes. This legislation clarifies sinkhole coverage shall be made available for purchase by policyholders in Tennessee. It creates objective standards to determine if a covered sinkhole loss has occurred based on determination of building standards approved by ANSI, which is the most widely-recognized accrediting agency for building standards. If initial inspection indicates that a claim is sinkhole-related, the insurance company cannot deny the claim unless it obtains a certification from a qualified engineer or geologist concluding that the loss is not sinkhole-related. The new law aims to protect consumers from unscrupulous third parties that might take advantage of the property owner's situation.

[Senate Bill 880](#) by Tracy / Status: [Public Chapter 537](#) / Effective Date: For rules purposes upon becoming law on March 17, 2014 and for all other purposes, July 1, 2014

Consumers / Lawsuit Lending -- The General Assembly passed legislation to regulate the lawsuit lending industry and rein in excessive fees and interest rates charged for loans, which can exceed 100 percent interest. Lawsuit lending refers to cash loaned to plaintiffs awaiting judgments or settlements in civil lawsuits, most often personal injury cases such as automobile accidents, personal injuries or product liability issues. The lending industry claims the interest rates are high because the loan is only paid back if the borrower's settlement proceeds and because they take significant risks.

The new law provides for a yearly fee of up to 10 percent of the amount of the transaction and provides for a maximum annual fee rate of 36 percent per year borrowed for a term not to exceed three years. It provides for an additional administrative fee of up to 10 percent per year. Other provisions in the “The Tennessee Litigation Financing Consumer Protection Act” include:

- Requires a written funding agreement with a five-day rescission option.
- Requires disclosures, notices, and an attorney’s review.
- Prohibits conflict of interest, commissions and referral fees.
- Requires registration with the Secretary of State and a \$50,000 surety bond.
- Prohibits the funding of lawsuits in workers’ compensation cases; and
- Gives the attorney general enforcement powers under the Tennessee Consumer Protection Act.

[*Senate 1360*](#) by Johnson / Status: [*Public Chapter 819*](#) / Effective Date: *For rules, upon becoming law on April 28, 2014; for the purposes of collecting the annual fee and maximum yearly fee, TCA 47-51-110 as enacted in section 1 of the bill shall take effect on July 1, 2015; for all other purposes, the act shall take effect on July 1, 2014 and shall apply to litigation financing contracts executed on or after that date.*

⊛HEALTHCARE

Healthcare Consumers / Insurance -- Legislation to help ensure that physicians and their patients have more information regarding what their health insurance covers and the protocols necessary to receive preauthorization approval has been approved by the State Legislature. The new law amends the state’s “Utilization Review Act” by requiring that healthcare insurers, or third party payers, publish or post on the Internet at least the non-proprietary portion of the standards so physicians can know the rules of the game beforehand.

The bill establishes a set of evidence-based rules based on nationally recognized protocol standards. In addition, the legislation ensures that the utilization review is done by a physician who is licensed to practice the procedure which has been requested to be performed, rather than an insurance administrator who lacks that medical expertise.

[*Senate Bill 1142*](#) by Green, Norris / Status: [*Public Chapter 731*](#) / Effective Date: *January 15, 2015*

Healthcare Consumers / Pharmacy -- The General Assembly passed legislation this year calling for transparency regarding the price of drugs and devices in which a pharmacist is reimbursed from health insurers. The measure establishes regulations on the use of maximum allowable cost (MAC) programs.

MAC programs are used by pharmacy benefit managers to determine the maximum amount they will pay a pharmacy for a particular drug or device being dispensed to a patient. Pharmacy benefit managers administer the pharmacy benefits portion of the coverage provided by health insurers and ultimately determine the amount paid to a pharmacy for a drug or device dispensed to a patient enrolled in a health plan.

Currently, pharmacists have no way of knowing what drugs and devices are on the maximum allowable costs list used by PBMs, what prices are used as the basis for reimbursement and what sources the PBM relied upon in establishing the MAC prices for those drugs and devices.

This new law requires a PBM to make available to each pharmacy in which they have a contract each MAC price used by the PBM, the sources used to determine those prices, and upon each request, the MAC list by the PBM for patients served by that pharmacy. It also requires every PBM to update the MAC prices on each of its lists on its secure website at least every three business days.

A PBM is prohibited, under the bill, from establishing any price on a MAC list in an amount which would result in reimbursement to a pharmacy that is below the amount found in the source used by the PBM to set the MAC price. It also establishes a clearly defined appeals process allowing a pharmacist to contest the placement of a particular drug device on the MAC list.

[Senate Bill 1991](#) by Overbey, Haile, Bell, Yager / Status: [Public Chapter 857](#) / Effective Date: January 1, 2015

Healthcare Consumers / Telehealth -- State lawmakers approved a law this year calling for equitable telehealth reimbursement. Telehealth is the delivery of health care services to patients in remote sites by using electronic information and telecommunications technology to connect providers to patients who need them. The new law calls for telehealth services to be reimbursed by insurance entities in the state, thus making the cost-saving benefits of telehealth more widely available, especially to rural citizens in remote areas.

[Senate Bill 2050](#) by Overbey, Yager, Haile / Status: [Public Chapter 675](#) / Effective Date: January 1, 2015 and shall apply to all policies, contracts and health benefit plans issued, delivered or renewed in Tennessee on or after that date

Truth in Advertising / Medical Spas -- Legislation which calls for truth in advertising for medical spas passed during the 2014 session of the Tennessee General Assembly. The new law defines medical spas and requires them to disclose who their supervising physician is and whether the physician is board-certified. The physician must state affirmatively if they are not. The intent of the “Tennessee Patient Safety Cosmetic Procedures Act” is to provide important information to consumers regarding the qualifications of the physicians supervising spa procedures.

[Senate Bill 2033](#) by Hensley / Status: [Public Chapter 909](#) / Effective Date: July 1, 2014

Healthcare Consumers / Cost of Obamacare -- The General Assembly approved a bill giving consumers information regarding any increase in cost of their insurance passed along to them as a result of the Affordable Care Act, also known as Obamacare.

Insurance brokers who are selling healthcare insurance must tell the consumer of any increases or decreases associated with the federal healthcare plan.

[Senate Bill 2155](#) by Green, Kelsey / Status: [Public Chapter 839](#) / Effective Date: August 1, 2014 and will expire on August 1, 2015

Healthcare / Nurse Practitioners -- The legislature also passed a new law to add nurse practitioners to a list of deponents who are exempt from being subpoenaed to trial, but are still susceptible to being subpoenaed to deposition. Currently, physicians and physicians' assistants are exempt from being subpoenaed to trial due to the fact that a trial hearing could interrupt daily business at a private clinic. This bill extends that exemption to nurse practitioners who might also work in private clinics so patient care will not be interrupted.

[Senate Bill 1754](#) by Green, Yager / Status: [Public Chapter 590](#) / Effective Date: Upon becoming law on March 28, 2014

Optometrists -- Legislation was approved by state lawmakers to allow optometrists to use local anesthetic in conjunction with the primary care treatment of an eyelid lesion. Optometrists are already allowed to apply topical anesthetic solutions. The new statute allows optometrists to inject a local anesthetic within their current scope of practice, which is to treat such conditions as styes or chalazions. The measure also makes it clear that the legislation does not affect Tennessee law regarding the requirement that only ophthalmologists can perform reconstructive surgical procedures on the eyelid.

[Senate Bill 220](#) by Overbey / Status: [Public Chapter 638](#) / Effective Date: Upon becoming law on April 8, 2014

Autism Spectrum Disorder -- Legislation creating an Autism Spectrum Disorder Task Force was approved during the 2014 session of the 108th General Assembly. Autism Spectrum Disorder (ASD) is a group of developmental disabilities that can cause significant social, communication and behavioral challenges. According to the Centers for Disease Control and Prevention, about 1 in 68 children has been identified with ASD. It is almost 5 times more common among boys (1 in 42) than among girls (1 in 189). The 16-member Task Force will take a complete look at all aspects of the disorder and make recommendations to the legislature regarding ways to improve access to programs and services for early screening, diagnosis and treatment. The Task Force will report back to the General Assembly on or before January 15, 2015.

[Senate Bill 2538](#) by Tracy, Overbey, Beavers, Bell, Bowling, Burks, Campfield, Crowe, Dickerson, Finney, Gardenhire, Green, Gresham, Haile, Harper, Henry, Hensley, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Niceley, Norris, Southerland, Stevens, Summerville, Tate, Watson, Yager, Ramsey / Status: [Public Chapter 1010](#) / Effective Date: Upon becoming law on May 22, 2014

Hospital Assessment -- The State Legislature voted to continue the annual Hospital Coverage Assessment for the 2014-2015 fiscal year. This action prevents more than \$800 million in potentially catastrophic TennCare cuts from taking effect on July 1, 2014.

The cuts would negatively affect hospitals, physicians, patients and enrollees across the state. The assessment, which has saved Tennessee over \$1 billion over the last four years, is used to draw down federal funds available through a Medicaid match program approved by the Centers for Medicare and Medicaid Services (CMS). The bill's language ensures that the coverage assessment cannot be passed along to patients.

[Senate Bill 1908](#) by Overbey / Status: [Public Chapter 877](#) / Effective Date: July 1, 2014

🌐 GOVERNMENT

Annexation -- Major legislation passed this year which repeals annexation in Tennessee by municipal ordinance. Tennessee is one of only three states which allow annexation by ordinance.

The new law eliminates a city's right to annex by ordinance and leaves the only method of annexation to be consent by the land owner or referendum. The bill also prohibits annexations of land used primarily for agricultural purposes without the consent of the owner.

The legislation continues the current annexation moratorium until May 15, 2015 and specifically directs the Tennessee Advisory Council on Intergovernmental Relations (TACIR) to study the collateral effects of the repeal. This includes the rights of businesses and property owners not residing in the area who would not be qualified to vote in a referendum and how to deal with situations where utilities have already been extended in anticipation of annexation.

[Senate Bill 2464](#) by Watson, Crowe, Norris, Kelsey, McNally, Tate, Campfield, Massey, Gardenhire, Beavers, Bowling, Ketron, Tracy / Status: [Public Chapter 707](#) / Effective Date: Sections 2, 3 & 4 on May 16, 2015, all other sections is upon becoming law on April 15, 2014

Government Efficiency / Medical Costs for Prisoners -- Legislation was approved this year that will provide immediate relief to government budgets in healthcare costs for inmates when they are transported outside of a jail to receive medical treatment. State prisons and county jails are an ever-expanding cost that government is struggling to manage and threatens to take an ever-increasing portion of their budgets at the detriment of other needs.

Currently, TennCare is terminated upon a prisoner's incarceration in state and local jails, meaning taxpayers are required to pay the bill if he or she is transported to a medical facility for treatment. The new law allows a prisoner to be temporarily reinstated in TennCare upon being transferred to a hospital or mental health care facility for more than 24 hours. This will allow state and local governments to seek reimbursement under Medicaid with the federal government picking up a majority of the costs for Medicaid-eligible inmates who are admitted to inpatient facilities.

About a dozen states are already receiving reimbursements under these scenarios, and a dozen more are considering similar measures. Similar legislation approved in North Carolina saved taxpayers in that state over \$100 million in healthcare costs for prisoners.

[*Senate Bill 2023*](#) by Bell, McNally, Bowling, Massy, Yager / Status: [*Public Chapter 926*](#) / Effective Date: April 1, 2015

Local Government Debt -- The General Assembly voted this year to require local governments to obtain approval by the Comptroller of the Treasury before issuing balloon indebtedness. The legislation is focused on preventing the issuance of debt where the terms of bonds exceed 31 years when there is no significant payment on the principal in the first 10 years. If the municipality has a high credit rating, such as a AAA or AA+, then those governments are exempt from the provisions of the bill. The bill is designed to prevent current governments from creating debt that will have to be paid by a future administration.

[*Senate Bill 462*](#) by Yager, McNally, Kelsey / Status: [*Public Chapter 529*](#) / Effective Date: July 1, 2014

Debt / Municipalities -- State lawmakers passed a bill which would prevent Tennessee from expending state funds to pay for the indebtedness of any municipality. The State Comptroller has certain powers to oversee municipalities that experience significant financial distress. However, for those cities that do not heed this oversight, the state does not have a financial obligation for that debt after those powers of the Comptroller have been exercised.

The State Funding Board is authorized to guarantee loans made by other lenders to local governments experiencing economic distress. These loans are intended to aid the local government in stabilizing its financial condition and meeting its operational and debt service costs. Local governments must pledge their credit and security for the loan, as well as a sufficient share of state-shared taxes. Once the loan guarantee is in place, the state comptroller has complete oversight of the local government's budget.

The bill arises out of concern that if Tennessee faces a situation like Illinois faced with the insolvency of Detroit, it would be clear that the state does not have an obligation to the city's bond or debt.

[*Senate Bill 1836*](#) by Watson, Ketron, Gardenhire, Norris / Status: [*Public Chapter 853*](#) / Effective Date: Upon becoming law on April 29, 2014

Pension Reform -- State lawmakers approved a pension reform bill during the 2014 legislative session for governmental entities outside the Tennessee Consolidated Retirement System (TCRS). The legislation aims to help ensure they have adequate funding to pay retirees.

Currently, the 487 local government entities and 118 local education agencies in the TCRS system are required to pay 100% of the annual required contribution (ARC) as actuarially determined each year. In April 2013, the Director of the Tennessee

Consolidated Retirement System (TCRS) requested actuarial and financial information from local governmental entities with defined benefit pension plans which are not enrolled in TCRS. The survey found there were 31 local government pension plans external to TCRS, 13 of which did not pay 100% of the ARC in 2012.

Only 2.04% of all Tennessee local government pension plans fund less than 100% of the ARC. The bill requires that each local government must maintain effort in the payment of the ARC based on what the entity paid during the first fiscal year the bill is enacted. Those entities paying less than 100% of the ARC are subject to a one year grace period plus five years of incremental phase-in, making an effective six-year phase in period to reach payment of 100% of the ADC.

If a local government cannot comply with funding progress during the phase-in period, the entity may submit a plan of correction to the State Treasurer to modify the required annual funding progress but may not extend the phase-in period. Consistent with the provisions of the Hybrid Pension bill adopted by the General Assembly in 2013, the bill includes provisions that, for employees hired after the effective date, the political subdivision may freeze, suspend, or modify benefits on a prospective basis and that no implied right to continuation of a benefit exists. The bill also provides that a local government may, upon agreement with the State Treasurer, have either its plan administration and/or the investment of its plan assets performed by the Tennessee Treasury Department.

[Senate Bill 2079](#) by Norris, Kelsey, Bowling, Campfield, Crowe, Gardenhire, Henry, Tate / Status: [Public Chapter 990](#) / Effective Date: Upon becoming law on May 22, 2014

School Buses (also filed under education) – The General Assembly has approved a law authorizing the use of conventional and Class D school buses until they have reached their 18th year of service. Currently, school buses in Tennessee are allowed to operate up to 15 years with a 200,000 mile limit, whichever comes first, if they pass additional inspections. The restriction kept counties from utilizing buses in good working order, putting a strain on county budgets to purchase new replacements. Under the new statute, the Commissioner of Safety, through the inspection process, may approve the use of buses for additional years of service beyond the 18th year if the bus has less than 200,000 recorded miles. The legislation requires school buses which are 16 to 18 years old to be inspected twice annually. It also allows a bus that reaches the 200,000 mile mark during the academic year to be kept in service until the end of the year.

[Senate Bill 1966](#) By Bell, Yager, Bowling, Burks, Campfield, Green, Haile, Stevens / Status: [Public Chapter 743](#) / Effective Date: Upon becoming law on April 21, 2014

911 Funding Reform – Legislation passed the Tennessee Legislature during the 2014 session updating the existing statutory model for funding the state's 911 emergency communications network to account for changes in telecommunications technology and consumer choices. The legislation is the product of yearlong discussions and collaboration among state legislative leaders, local emergency communications districts, the Tennessee Emergency Communications Board, public safety officials and

telecommunications carriers. The compromise bill establishes a stable, reliable future-proof funding source for maintaining and improving the state's emergency communications network services.

[*Senate Bill 2407*](#) by Norris, Gardenhire, Overbey, Harper, Crowe, Gresham, Dickerson, Watson, Bowling, Niceley, McNally, Johnson, Massey, Green, Ketron, Stevens, Hensley, Southerland, Yager, Ford, Henry, Tate, Haile / Status: [*Public Chapter 795*](#) / Effective Date: January 1, 2015

TNInvestco -- The House and Senate passed legislation this year that provides greater accountability and transparency in the state's TNInvestco Program. TNInvestco is a program administered by the Tennessee Department of Economic and Community Development (EDC) that provides benefits to small, medium-sized, and start-up businesses to encourage job growth in the state.

The new law is designed to provide greater oversight and ensure that companies receiving tax credits are completing their statutorily required investment strategy scorecards. It also helps to ensure investment strategy benchmarks are being met and that investments are free from fraud, waste, and abuse.

Some of the key provisions included in the new statute are:

- requires the department to obtain sufficient documentation to support the state's profit share percentage;
- changes the date through which the TNInvestcos submit their information in the annual report to provide better accuracy of investment activity for the calendar year;
- changes the number of days that a TNInvestco has to submit their annual audited financial statements from 180 days to 120 days so that information is received in a more timely fashion;
- changes the number of days that the TNInvestco has to cure any areas of non-compliance from 60 days to 45 days to ensure that policies and procedures are being met without substantive delays;
- allows ECD to promulgate rules and regulations to ensure compliance with requirements of the program; and
- gives ECD greater enforcement capability by allowing them to assess a penalty for persistent non-compliance by a TNInvestco.

The measure also allows a TNInvestco to re-invest their returns and the state's returns in equal portions up to the 7th anniversary of the fund. Finally, it adds new language to the law that requires ECD to liquidate all remaining ownership interests by the state beginning December 31, 2021.

[*Senate Bill 766*](#) by Ketron, Overbey / Status: [*Public Chapter 611*](#) / Effective Date: July 1, 2014

State Government Contracts / Organizational Conflicts -- Legislation has passed to address potential conflicts of interest in the state's government contracting process. The state has three procurement and contracting entities: the State Procurement Office, the State Building Commission and the Department of Transportation. Each procurement

and contracting process was created legislatively as a separate entity because of their unique requirements.

The new law defines organizational conflicts of interest as any relationship or action between any party, including contractors and consultants, and the state or its agents making decisions to procure a contract that may conflict with the state's best interest or taint the procurement process or the state's reputation. The measure requires each of the state's oversight entities established by statute to develop policies and procedures to fit each unique procurement and contracting process. In addition, it calls for implementation of policies and procedures to define and identify organizational conflicts of interest. The determinations of conflicts will be made in writing and reported to both the Speakers of the House and the Senate.

[*Senate Bill 767*](#) by Yager, Kelsey / [*Public Chapter 758*](#) / Effective Date: July 1, 2014

Fee Cut for Charitable Organizations -- Charitable organizations and the people who raise funds for them might end up paying a lot less to register with the state under legislation that advanced through the General Assembly this year. The new law cuts fees across the board by 20 percent. For a charity raising between \$30,000 and \$48,999.99 per year, the new annual fee would be only \$80. At the top end of the scale, a charity raising \$500,000 or more would pay \$240 per year. The legislation also reduces the annual registration fees for professional solicitors from \$800 to \$250 and for fundraising counsels from \$250 to \$100. The changes are expected to affect about 8,100 organizations and individuals who must register with the division.

[*Senate Bill 1919*](#) by Yager, Campfield / Status: [*Public Chapter 630*](#) / Effective Date: July 1, 2014

Specialty License Plates Gift Certificates – Consumers will be able to purchase gift certificates that can be redeemed for specialty license plates under a new state law. The legislation aims to enhance the sale of more than 90 specialty license plates offered to Tennessee motorists to display on their registered vehicles.

[Specialty license plates](#) represent a wide variety of colleges and universities, branches of the military, special interest organizations, professional organizations and other topics. Part of the \$36 fee charged for the plates goes to support a wide variety of art activities in Tennessee, including ticket subsidies for students. The plates generated over \$4.4 million last year to help promote visual, literary, performing and folk art, and the organizations which support them.

The arts generate over \$132.4 million in Tennessee annually, affecting 4,000 jobs in the state. Two million of the six million vehicles in the state participate in the specialty plate program. It is hoped that the gift certificate program will boost sales.

[*Senate Bill 1718*](#) by Norris, Overbey, Ford, Crowe, Kyle, Massey / Status: [*Public Chapter 869*](#) / Effective Date: July 1, 2014

State Government Entities -- The General Assembly voted for 70 bills which continue the existence of various government departments and agencies under Tennessee's Sunset Review process and 11 of which call for elimination. The sunset legislation includes the merging of the Barber Examiners and Cosmetology Board. That move is expected to save money for both boards and could help reduce fees for licensees by cutting administrative costs, creating dual licenses and combining inspections. The bill will also restructure the board to be more representative of the professionals in the licensure pool.

[Senate Bill 1893](#) by Bell / Status: [Public Chapter 964](#) / Effective Date: July 1, 2014

Parental Responsibility / TANF -- Final approval was given this year to legislation which requires the personal responsibility plan, created as a condition of Temporary Assistance for Needy Families (TANF) eligibility, to include that parents or guardians be actively involved in their child's schooling. The bill requires that if an educational need is identified, that the parent or guardians to attend two or more conferences within a year with the teacher to review the child's status in school. The parent could alternatively choose to attend parenting classes or participate in support services that the child may need as determined by the Department of Human Services. The goal is to increase parental involvement to overcome any school, family, or other barriers that may interfere with the child's and the family's ability to be successful.

[Senate Bill 1851](#) by Campfield / Status: [Public Chapter 960](#) / Effective Date: January 1, 2015

Property Tax Freeze Program for Seniors and Disabled -- Senior citizens who participate in Tennessee's property tax freeze program could be aided by legislation given final approval in the 2014 legislative session. The new law re-freezes their tax bill when the tax amount due becomes lower to benefit the seniors. Currently, it is very difficult for seniors to re-freeze their base tax amount. This legislation makes the calculation automatic, providing a helpful correction for senior citizens who participate in the property tax freeze program.

In November 2006, Tennessee voters approved an amendment to [Article II, Section 28](#) of the Tennessee Constitution giving the General Assembly the authority by general law to authorize counties and/or municipalities to implement a local option property tax freeze for taxpayers 65 years of age or older. The [Property Tax Freeze Act](#) was passed in 2007 putting the program into place. Twenty-seven cities and 23 counties participate in the program.

[Senate Bill 1128](#) by Yager, Norris / Status: Signed by the Governor on 5/19 / Effective Date: Upon becoming law on May 19, 2014

Stop Obamacare Act -- Legislation which requires the governor to receive approval from the General Assembly through joint resolution before expanding Medicaid under Obamacare was approved by the General Assembly. The new law is limited to the expansion of optional enrollment in the Affordable Care Act, which is also known as Obamacare.

In June 2012, the United States Supreme Court ruled in *National Federation of Independent Business v. Sebelius* that states have the right to opt out of Medicaid expansion without losing pre-existing federal Medicaid funding.

Under the Medicaid expansion envisioned by Obamacare, Tennessee is estimated to pay \$200 million a year for its 10% share to expand Medicaid to individuals with incomes up to 138% of the poverty level. The federal government promised to pay 100% of the expansion cost for the first three years, diminishing to 90% in future years. However, many financial experts are skeptical about the federal government's ability to maintain the level of funding promised due to mounting national debt. Other states that have opted not to expand their Medicaid programs have also cited their doubt that the federal government will keep its promised level of funding, thus leaving state taxpayers to foot the bill.

[*Senate Bill 804*](#) by Kelsey, Bowling, Tracy, Ketron, Gresham, Bell, Southerland, Niceley, Stevens, Gardenhire, Campfield, Beavers, Summerville, Haile, Johnson / Status: [*Public Chapter 662*](#) / Effective Date: Upon becoming law on April 14, 2014

🌐 **BALANCED BUDGET AMENDMENT**

The General Assembly adopted a resolution calling for Tennessee's participation in a limited convention of the states for the purpose of proposing a balanced budget amendment. Such action is authorized under Article V of the U.S. Constitution.

Twenty states have already passed a resolution calling for a convention to pass a federal balanced budget amendment. Once 34 states do so, Congress is required to call a convention and set the date and location. Subsequently, 38 states must then ratify any changes to the constitution in order for them to take effect.

[*House Joint Resolution 548*](#) by McNally in Senate (Rep. Powers) / Signed by the Governor on April 15, 2014

Faithful Delegate -- State lawmakers have approved legislation to help ensure that delegates to any future convention called to propose an amendment to the U.S. Constitution would be faithful to limits imposed by the Tennessee General Assembly. Historically, it has been Congress that proposed constitutional amendments; however, Article V of the U.S. Constitution also lays out a mechanism by which two-thirds of the states can propose an amendment by sending Congress a petition. Under this method, the states define the convention's agenda through their petitions.

The "Faithful Delegate Act" is similar in purpose to legislation in other states to ensure that Presidential Electors remain faithful to their pledged candidate for President when voting in the Electoral College. The new law requires that in the event of a constitutional convention, the General Assembly would adopt a resolution and provide instructions to the delegates and alternates regarding the rules of procedure and any other instructions relating to the convention. The delegates would then be required to obey those limits or

face immediate removal and a Class E felony offense for knowingly or intentionally voting outside the scope of the instructions.

If delegates are elected, the bill prescribes that two delegates will reside in different grand divisions of the state and that one of the two alternate delegates shall reside in the grand division not represented by the two delegates to the potential convention.

[*Senate Bill 1432*](#) by Norris, Bell, Stevens, Henry, Kelsey, McNally / Status: [*Public Chapter 979*](#) / Effective Date: Upon becoming law on May 22, 2014

MISC

Boat Dock and Marina Safety -- Legislation which aims to prevent electric shock injuries and drowning deaths near marinas and boat docks in Tennessee has received final approval this year. The “Noah Dean and Nate Act” requires marinas to install ground fault protection, post notices about the danger of electrical leakage into waters surrounding a marina, and requires annual inspections by the Tennessee Fire Marshal’s office to ensure ground fault safety in the future.

The bill is named in memory of 10-year-old Noah Dean Winstead and 11-year-old Nate Lynam who died from electrical injuries they suffered on July 4, 2012, while swimming near a houseboat at a marina near Morristown, Tennessee. Since that time, their parents have worked to pass legislation to help ensure such a tragedy does not occur again.

Details of the new safety law include:

- Effective April 1, 2015, any main overcurrent protective device, installed or replaced, that feeds a marina must have a ground-fault protection not exceeding 100 milliamperes (mA);
- Between January 1, 2015, and December 31, 2017, and every five years thereafter, a safety inspection must be made by the state fire marshal;
- If a deficiency is found, the subsequent follow-up inspection required for repairs must be conducted by a commissioned deputy electrical inspector;
- Permanent safety signage must be installed within 80 feet to give notice to persons using the boat dock or marina or swimming area near the boat dock or marina, of the electric shock hazard risks;
- The bill prescribes penalties for violation of the proposed act which range from a Class A misdemeanor for violation of the ground-fault protection requirement when it does not result in bodily injury to a Class E felony if failure to adhere to the law results in death; and,
- If any boat dock or marina operator who is found guilty under this law fails to comply with the requirements within 90 days of the judgment, the state fire marshal will declare the boat dock or marina to be a threat to public safety and order its closure until it is in compliance.

[*Senate Bill 1954*](#) by Southerland, Ramsey, Niceley, Ford, Bowling, Campfield, Beavers, Bell, Burks, Crowe, Dickerson, Finney, Gardenhire, Green, Gresham, Haile, Harper, Henry, Hensley, Johnson, Kelsey,

Ketron, Kyle, Massey, McNally, Norris, Overbey, Stevens, Summerville, Tate, Tracy, Watson, Yager / Status: [Public Chapter 923](#) / Effective Date: January 1, 2015

“Sandy” / State Artifact -- The Senate State and Local Government Committee has approved a new law designating “Sandy,” an ancient stone statue discovered on a Wilson County farm in 1939, as the official state artifact of Tennessee. The stone sculpture of a man kneeling is from the Mississippian Period and is believed to be one of the oldest archeological pieces ever found in the state.

[Senate Bill 2442](#) by Beavers, Ketron / [Public Chapter 571](#) / Effective Date: Upon becoming law on March 21, 2014

Recognizing Sacrifices of First Responders – State lawmakers gave final approval to legislation creating the “Three Stars of Tennessee Award” for peace officers, firefighters, and medical first responders killed or injured in the line of duty. This new law calls for the governor to present the award to each recipient or the surviving next of kin during a public ceremony held on or as near as practicable to September 11 each year. The award, which will consist of a medal, a certificate and a ribbon suitable for wearing on a uniform, aims to recognize the heroic and brave sacrifices of first responders who give their lives or suffer a career-ending injury protecting and serving the public.

[Senate Bill 1691](#) by Massey, Crowe, Burks, Beavers, Bell, Bowling, Campfield, Dickerson, Finney, Ford, Gardenhire, Green, Gresham, Haile, Harper, Henry, Hensley, Johnson, Kelsey, Ketron, Kyle, McNally, Niceley, Norris, Overbey, Southerland, Stevens, Summerville, Tate, Tracy, Watson, Yager, Ramsey / Status: [Public Chapter 950](#) / Effective Date: Upon becoming law on May 19, 2014

Recycling -- The 2014 legislative session included passage of legislation to establish a Tennessee Solid Waste and Recycling Advisory Committee. The committee will consist of sixteen members from a variety of industries and fields related to waste management and reuse. The group will study how Tennessee can improve its recycling efforts with businesses and governments working together in this effort. They will report their finding no later than February 15, 2015.

[Senate Bill 1917](#) by Southerland, Burks, Overbey, Yager / Status: [Public Chapter 967](#) / Effective Date: Upon becoming law on May 19, 2014