



## A Final Report on the 2017 Legislative Session

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NASHVILLE, (June 15, 2017) -- The first session of the 110th Tennessee General Assembly adjourned on May 10, 2017, after passing major legislation that will benefit Tennesseans for generations to come. This includes a measure making Tennessee the first state in the nation to offer all adults without a degree tuition-free access to community college; a new law rebuilding a safe and reliable transportation network, while reallocating revenues to maximize taxpayers' return on that investment; and a bill which provides a responsible path to improve access to broadband through investment, deregulation, and education. Action in the General Assembly also included passage of a balanced budget which takes on no new debt, as well as legislation protecting the elderly, enhancing the state's robust job growth, cracking down on crime, and boosting efforts as the fastest improving state in the nation in K-12 student achievement. Following is a report on key legislation passed this year.

### **BUDGET**

The \$37.1 billion budget adopted during the 2017 legislative session cuts \$257 million in taxes in the next fiscal year and more than \$400 million at full implementation while maintaining Tennessee's sound fiscal practices. For the second year in a row, the state budget does not take on any new debt. It also assumes a conservative annualized growth rate of 3.17 percent, based on an economic growth forecast of 4.5 percent.

Tennessee is one of only 11 states which have earned an AAA bond rating and has been ranked among the best-managed states in the nation.

Education, employment, economic opportunity, and enforcement of the law are the underlying drivers of Tennessee's 2017-2018 state budget adopted by the General Assembly. The budget continues Tennessee's strong commitment to education by providing an additional \$200 million to fund the state's Basic Education Program (BEP). The BEP includes \$100 million to improve teacher salaries, \$22 million to help schools serve high-need students, and an additional \$15 million is provided for career and technical education equipment.

It also continues several important higher education initiatives in the Drive to 55 to make sure

that 55 percent of Tennesseans have a postsecondary certificate or degree by the year 2025. The Drive to 55 includes the Reconnect Act and the STRONG (Support, Training, and Renewing Opportunity for National Guardsmen) Act. The Reconnect Act is a last-dollar scholarship which makes Tennessee the first state in the nation to offer all adults without a degree tuition-free access to community college. The STRONG Act creates a pilot program for those who protect and serve their state and country in the Tennessee National Guard to receive tuition funding toward a first time bachelor degree.

Legislation on employment and economic opportunity provides \$113 million in Franchise and Excise (F&E) tax cuts, which are available to over 500 manufacturers in Tennessee benefitting over 310,000 of their employees. Also conducive to job creation is the \$150 million in new, recurring revenue appropriated for improving Tennessee's infrastructure, making the roads more usable, and inviting to new industries looking to locate in the state. The improvements are also essential for road safety. Presently, 40 percent of the state's major urban roads are in less than fair condition. Likewise, approximately 19 percent of Tennessee bridges are in need of repair, five percent are structurally deficient, and 14 percent are functionally obsolete.

On enforcement of the law, the budget provides 30 new positions for district attorneys, 18 new public defenders, 25 new Tennessee Highway Patrol troopers, and new funding to increase coverage for families of police and firefighters who lose their life in the line of duty. It provides more than \$2 million in recurring funds to incarcerate felons with firearms and abusers of the elderly and to enhance sentences against illegal aliens who commit unlawful acts. It also provides \$5 million in funding to increase the per diem paid to local jails for housing state prisoners and \$29.5 million for a new multi-agency law enforcement training center.

Other highlights of the budget include:

- \$8 million for the Tennessee Bureau of Investigation to purchase an airplane to assist in criminal investigations and manhunts;
- \$55 million for utilization grants for TennCare;
- 715 more slots to the Employment and Community First Choices (EFC) Program to provide long-term services and supports;
- \$1 million for the OPTIONS program which gives home- and community-based service choices to the elderly, as well as adults with disabilities;
- \$10.3 million to improve access to broadband in Tennessee;
- \$8 million to increase the reimbursement rate for direct support professionals who provide home and community-based services through the Department of Intellectual Disabilities (DIDD);
- \$11.5 million for substance abuse and crisis services;
- \$21.7 million in a new money to help fund rural initiatives as recommended by the Rural Development Task Force Study;
- \$40 million toward the cost of a new State Library and Archives building to collect and preserve Tennessee records of historical, documentary, and reference value;
- \$10.65 million for disaster relief in Gatlinburg and Sevier County after the devastating

- wildfires in November 2016;
- \$614 million in state dollars for maintenance and new buildings across general government and higher education;
- \$25 million for higher education outcome formula increases of the Complete College Act;
- \$132 million in non-recurring funds to the state's Rainy Day Fund to an all-time high of \$800 million, well on the way to a target of \$1 billion;
- Full restoration of property tax relief for veterans, disabled, and the elderly; \$18 million for the next state veterans' home in West Tennessee;
- \$77 million for state employee pay increases and market rate adjustments targeting high-turnover positions in state government;
- Implements \$127.8 million in budget reductions; and,
- Fully funds the state's contribution requirements for pensions and retiree insurance.

The budget's fiscal year begins on July 1, 2017, and ends on June 30, 2018.

*Senate Bill 483 / by Norris, Watson / Status: PC 460 / Effective Date: July 1, 2017.*

## **BROADBAND ACCESSIBILITY ACT**

One of the highlights of the 2017 legislative year was the passage of the [Tennessee Broadband Accessibility Act](#) which proposes a responsible path to improve access to broadband through investment, deregulation, and education. The measure is designed to spur deployment in rural unserved areas, opening them up to economic investment and job growth.

Tennessee currently ranks 29th in the U.S. for broadband access, with 13 percent of the state lacking accessibility. While only two percent of the state's urban citizens lack access, 34 percent of rural residents are without coverage at recognized minimum standards due to low population density and challenging geography.

The legislation calls for a three-year investment of \$45 million in grants and tax credits that prioritize expansion in the state's unserved areas.

On deregulation, the new law permits the state's private, nonprofit electric co-operatives to provide broadband and cable video services. The co-ops are currently restricted from providing retail broadband services. To protect co-op ratepayers, it prevents the use of electric system assets to subsidize broadband services.

Education is a key component of the broadband legislation as the digital divide is preventing thousands of Tennessee students in unserved areas from being able to do homework that requires Internet access. The new law expands opportunities for education by providing grants to the state's local libraries to help residents improve their digital literacy skills and maximize the benefits of broadband. The grants are in addition to education efforts by the state's Rural Task

Force and other groups to drive broadband adoption in unserved areas of Tennessee.

In addition to increasing education opportunities to unserved communities, the improved connectivity also assists in promoting agriculture advancements and providing health care options like telemedicine.

*Senate Bill 1215 / by Norris, Bell, Yager, Ketron, Watson, Crowe, Gresham, Hensley, Niceley / Status: PC 228 / Effective Date: Upon becoming law on April 24, 2017.*

## **TRANSPORTATION NEEDS / TAX RELIEF**

Another key bill passed during the 2017 legislative session is the Improving Manufacturing, Public Roads and Opportunities for a Vibrant Economy (IMPROVE) Act, which is also named the “2017 Tax Cut Act.” The purpose of the legislation is to maintain and expand Tennessee’s safe and reliable transportation network by reallocating revenues to maximize taxpayers’ return on that investment to meet current and future transportation needs. While one category, highway user fees, increases by 6 cents on a gallon of gas and 10 cents on diesel phased in over three years, the legislation cuts \$428 million in taxes which is the largest single tax cut in Tennessee history.

Tennessee is one of only five states which do not use debt to fund its roads. This pay-as-you-go practice has been credited as one of the reasons for the state’s top financial rankings. Up to half of the tax dollars collected on diesel fuel and 30 percent on gasoline come from out-of-state drivers, who share in the cost of keeping up Tennessee roads. Proceeds from the fee increases, which have not been raised in 28 years, are dedicated to the highway fund.

The \$350 million in funds will deliver 962 road and bridge projects across all 95 Tennessee counties to alleviate a \$10.5 billion backlog in transportation projects.

The \$428 million in tax cuts included in the new law are:

- A 20 percent reduction in the food tax from five to four percent;
- Hall Income Tax relief from five percent to four percent with language to reduce it by one percent until it is gone;
- An optional move to the single sales factor for Franchise and Excise (F & E) tax paying manufacturers; and,
- Tax relief for disabled veterans, elderly, and disabled homeowners by raising the home value threshold from \$100,000 to \$175,000 for disabled veterans and \$23,500 to \$27,000 for the elderly and disabled.

The legislation is the sixth in a series of laws passed by the General Assembly since 2011 which resulted in tax cuts, with the previous amounting to \$438 million in reductions. The reductions include repealing the gift tax, killing the death tax, reducing the sales tax on food, exempting the sales tax on certain machinery and medical supplies, and a one percent reduction in the Hall Income Tax.

*Senate Bill 1221 / by Norris, Tracy, Harper, Kyle, Yager / Status: PC 181 / Effective Date: Sections 1, 27, 35, and*

*36 of this act shall take effect upon becoming law, the public welfare requiring it. Sections 13, 14, 15, 28, and 29 of this act shall take effect upon becoming law, the public welfare requiring it, and shall apply to tax years beginning on or after January 1, 2017. All other sections of this act shall take effect July 1, 2017.*

**Hall Tax Relief / 100 years or Older** -- In other action on tax relief, the General Assembly voted to exempt any taxpayer 100 years of age or older from the Hall Income Tax.

*Senate Bill 193 / by Overbey, Green, Bailey / Status: [PC 453](#) / Effective Date: May 25, 2017.*

## **TRANSPORTATION / DRIVERS / OTHER**

**Budget** -- The 2016-2017 appropriations bill restores \$120 million in nonrecurring funds to the Highway Fund and appropriates an additional \$55 million for TDOT's state aid program. It also provides \$120 million to fully restore previous transfers from the highway fund to the general fund.

**High Priority Bridges** -- The General Assembly approved legislation in 2017 which authorizes the Department of Transportation (TDOT) to pay up to 100 percent of the cost to repair or replace bridges on local roadways through a new category in the state-aid highway program, a move to help avoid local property tax increases for repairs. Two hundred of the state's 526 structurally deficient bridges are on local roads and have been weight-posted. The legislation also gives TDOT the authority to maintain local roadways within the borders of state parks. There has been a longstanding issue related to who is responsible for maintaining these roads since they are local roads within state-operated parks.

*Senate Bill 1220 by Norris, Tracy, Jackson, Yager / Status: [PC 425](#) / Effective Date: July 1, 2017.*

**County Road Relief Act** -- Legislation was passed continuing for another two years the way Tennessee manages its State Aid Road Grant Program to make it easier for counties to access state funds to upgrade, repair, and improve local roads. It continues the [County Road Relief Act of 2015](#) which allows a county to use state highway aid for a project as long as the county contributes at least two percent of the approved project cost or provides in-kind work as approved by the TDOT. The law was previously set to expire in July.

*Senate Bill 700/ by Yager, Bowling / Status: [PC 442](#) / Effective Date: Upon becoming law on May 25, 2017.*

**Transportation Funding / Federal** -- A resolution was passed which urges President Donald Trump and the United States Congress to establish a transportation block grant funding program for distribution to the states. It also urges the enactment of legislation to repeal all federal mandates, either by statute, rule, or policy, that dictate the expenditure of federal transportation funding.

*Senate Joint Resolution 59 / by Beavers, Bell, Bowling, Crowe, Gardenhire, Jackson, Roberts, Southerland, Bailey / Status: Signed by Gov. on May 18.*

**Autonomous Vehicles** -- A major new law was approved this year which establishes certain

procedures for manufacturers and others to operate ADS (Automated Driving System) vehicles in Tennessee. In addition, ADS-operated vehicles must have an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least \$5 million under the measure to ensure coverage in the event of an accident.

The action comes as Tennessee continues to grow as a major U.S. automotive hub. Eleven states and the District of Columbia have passed legislation related to autonomous vehicles, with similar executive orders in two more states. In addition, the National Highway Traffic Safety Administration released the first iteration of its “Federal Automated Vehicles Policy” last year with annual updates expected.

*Senate Bill 151 / by Lundberg, Green, Bowling, Hensley, Jackson, Kelsey / Status: [PC 474](#) / Effective Date: Upon becoming law on June 6, 2017.*

**Good Samaritans / Move Over Law** -- Legislation extending Tennessee’s “Move Over Law” to include good Samaritans who stop to help a distressed motorist passed during the 2016 session of the 109<sup>th</sup> General Assembly. The new law applies when flashing lights are displayed to indicate an emergency.

*Senate Bill 996 / by Tracy / Status: [PC 95](#) / Effective Date: July 1, 2017.*

**License Plates / “In God We Trust”** -- A new law which gives motor vehicle owners in Tennessee the option to obtain a license plate with the nation’s official motto “In God We Trust” has been approved. The motto was adopted by the 84th Congress in 1956 but has appeared on U.S. coins since 1864. It has also appeared on the nation’s paper currency since 1957. Under the new law, the request for the plate can be made at the time the owner’s license is issued or renewed on or after the bill’s effective date of July 1, 2017.

*Senate Bill 1355 / by Bailey, Crowe, Bowling, Hensley / Status: [PC 429](#) / Effective Date: Shall apply to plates issued or renewed on or after July 1, 2017.*

**Driver’s License / Underage Drinking** -- Legislation advanced through the General Assembly this year requiring all new drivers’ licenses issued to persons under the age of 21 in Tennessee be printed in a vertical format to help businesses easily identify those who cannot drink alcohol.

Presently, a tiny red bar along the side of the photo on the license indicates a person is under the age of 21.

In 2016, there were 28 traffic fatalities in Tennessee with youth aged 15 to 20 years old measuring a blood-alcohol level greater than .01 percent. Reports also indicate that the percentage of young Tennesseans ages 12 to 20 who consumed alcohol in the past month was almost 17 percent. More than two-thirds of the states across the nation have vertical licenses for drivers under the age of 21.

The new law allows drivers the option to change their license to horizontal upon turning age 21 for the reduced cost of a duplicate license.



*Senate Bill 384 / by Massey / Status: [PC 388](#) / Effective Date: For the purpose of promulgating rules, forms, and procedures and making necessary provisions for implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect thirty (30) 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 driver license program is capable of implementing this act or it shall take effect on July 1, 2018, whichever is earlier.*

***DUI Memorial Signing Program*** -- A bill enhancing Tennessee's Driving Under the Influence (DUI) memorial signing program was approved. The new law amends the Tyler Head Law, passed by the General Assembly last year, to ensure DUI victims' families have the opportunity to have a memorial sign erected in their family member's honor.

*Senate Bill 17 / by Roberts, Yager / Status: [PC 157](#) / Effective Date: Upon becoming law on April 24, 2017.*

***DUI / SCOTUS Decision*** -- Legislation which aligns Tennessee law with the Supreme Court decision in *Birchfield vs. North Dakota* was approved during the 2017 session. Under present law, any individual who drives a motor vehicle is considered to have given consent to testing for the purpose of determining alcohol levels or drug content, or both, of that person's blood.

This new statute makes the existing implied consent law only applicable to breath tests and establishes that consent or warrant must be obtained before conducting a blood test. In the cases where exigent circumstances are present the warrant requirement may be waived. In addition, the legislation states that if an operator of a vehicle is not properly informed of the consequences of refusing to submit to a breath test, then the court does not have the authority to suspend the operator's license or require the installment of an interlock device.

*Senate Bill 134 / by Roberts / Status: [PC 304](#) / Effective Date: July 1, 2017.*

## **ELDERLY ABUSE**

The 2017 legislative session saw the passage of three major bills to combat financial exploitation of Tennesseans who are elderly or have diminished capacity. Approximately one in five seniors nationwide have been a victim of financial exploitation at the cost of approximately \$2.9 billion annually. Moreover, these numbers are likely low as it is also estimated that only one out of every 44 instances of financial abuse are reported.

***Elderly Abuse / Financial Exploitation / Securities*** -- The trilogy includes the "Senior Financial Protection and Securities Modernization Act" which provides a pathway for voluntary reporting. It gives civil and administrative immunity to broker-dealers, investment advisers, agents, representatives, and other qualified individuals for reporting suspected abuse or exploitation. It also allows those individuals to delay disbursements for a certain number of days if financial abuse or exploitation is suspected and authorizes notification to third parties previously designated by the elderly or vulnerable adult regarding any suspected fraudulent transactions. In addition, the new law gives the Commissioner of the Department of Commerce and Insurance authority, under the state's Uniform Administrative Procedures Act, to double current civil

penalties against an offender who victimizes a vulnerable or senior adult.

*Senate Bill 1192 / by Norris, Gardenhire, Crowe, Bowling, Niceley, Roberts, Stevens / Status: [PC 424](#) / Effective Date: Upon becoming law on May 18, 2017.*

***Elderly Abuse / Financial Exploitation / Financial Institutions*** -- Likewise, legislation was passed this year which gives financial institutions, like banks and credit unions, tools and greater flexibility as to how they can best protect their customers when there is a reason to suspect financial exploitation of elderly or vulnerable adults is occurring or being attempted. This new law provides new authority for financial institutions to delay or refuse to conduct transactions which permit the disbursement of funds when exploitation is suspected. It also permits the financial institution to establish a list of persons the customer would like to have contacted if the bank suspects he or she is a victim of exploitation or theft. In addition, it requires the Tennessee Department of Financial Institutions to consult with financial service providers, the Tennessee Commission on Aging and Disability, and the Department of Human Services to develop a public education campaign to alert the public to dangers of vulnerable adults from financial exploitation.

It has been estimated that 41.4 percent of the offenses of financial exploitation were committed by a family member and another 13.3 percent of victims were described by law enforcement as having close relationships with the perpetrator.

*Senate Bill 1267 / by Norris, Crowe, Massey, Bowling, McNally, Harper, Ketron, Kyle, Niceley, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yarbrow / Status: [PC 264](#) / Effective Date: July 1, 2017. Section 1 shall be repealed on June 30, 2022.*

***Elderly Abuse / Financial Exploitation / Classification Higher*** -- The third bill passed this year is the linchpin of the legislative package. The “Elderly and Vulnerable Adult Protection Act” defines and creates the new offense of financial exploitation of elderly or vulnerable adults, including the use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over an elderly or vulnerable adult’s property with intent to deprive them of it. Under the new law, such acts of exploitation would be punished one classification higher than the theft offense of the same value. If charged, a court may freeze assets of the offender up to 100 percent of the alleged value in question. The new statute also requires those convicted be included on the state Elder Abuse Registry.

In addition, the new law includes a provision that requires a court to hold a hearing to preserve the testimony of elderly or vulnerable adult victims. This is a critical new tool for prosecutors to use when defendants attempt to delay a trial in order to have the victim’s health or mental capacity continue to deteriorate or even pass away.

*Senate Bill 1230 / by Norris, Crowe, McNally, Bailey, Gardenhire, Harper, Hensley, Kyle, Massey, Stevens, Tate, Tracy / Status: [PC 466](#) / Effective Date: For the purpose of rulemaking, this act shall take effect upon becoming a law on May 25, 2017. For all other purposes, this act shall take effect on July 1, 2017.*

***Public Guardians / Elderly and Disabled*** -- Finally, the General Assembly passed legislation which establishes a Public Guardian Working Group led by the Commission on Aging and



Disability to review Tennessee's public guardianship for the elderly program and make recommendations on how it can be more effective. The measure also clarifies that background checks on employees or volunteers who come into direct contact with service recipients should be done and provides immunity for any licensed nursing home facility that declines employment to someone based on that background check.

*Senate Bill 1287 / by Crowe, Norris / Status: [PC 427](#) / Effective Date: July 1, 2017.*

## **HEALTH CARE**

This year's action in the General Assembly saw a number of important changes made in health care, including allocation of \$54 million in the budget for the fiscal year 2017-2018 to fully fund TennCare inflation and utilization growth. The budget also restored TennCare prior year cuts at \$42.2 million.

Other bills passed by the General Assembly in 2017 aim to improve access and the quality of health care in Tennessee. In addition, legislation was passed making improvements to the state's health care professions to better serve patients.

***Medication Therapy Management*** -- A major bill was approved by the General Assembly in 2017 which establishes a medication therapy management (MTM) pilot program to provide high quality, cost-effective services for TennCare enrollees. MTM is a group of services provided by pharmacists whose aim is to optimize drug therapy and improve therapeutic outcomes for patients. The program is particularly beneficial to patients who do not take their medication according to the prescribed timing, dosage, frequency, and directions.

Any situation when the patient does not take their medication according to one of these factors is referred to as medication non-adherence. It is highest among patients with chronic illnesses and results in an increased risk of side effects, adverse events, hospitalizations, disease state complications, drug-related problems, or even death. Direct costs of medication non-adherence to our health care system are estimated at up to \$290 billion annually and are considered the largest fixable problem in health care today.

Other persons benefiting from the program include those who use several medications, have multiple health conditions, are taking medications that require close monitoring, have been hospitalized, or who utilize more than one pharmacy.

The MTM services will be delivered by Tennessee-licensed pharmacists practicing under a collaborative pharmacy practice agreement with prescribers within their routine scope of practice. They will work in consultation with patients, caregivers, prescribers, and other health care providers. Any cost savings realized by TennCare through this pilot program will be prioritized for use in expanding the administration of the MTM pilot program.

The new law modeled after similar successful programs in 17 other states. According to a U.S. Public Health Service report, pharmacist-provided services such as MTM have demonstrated an

average return on investment of \$3 to \$5 in savings for every \$1 spent.

*Senate Bill 398 / by Haile, Overbey / Status: [PC 363](#) / Effective Date: July 1, 2017.*

**Autism Spectrum Disorder** -- Legislation creating the Tennessee Council on Autism Spectrum Disorder (ASD) has been passed to initiate a dedicated committee focusing solely on aiding those with special needs and their families. Along with establishing a long-term plan for a system of care for individuals with ASD, the Council will make recommendations and provide leadership in program development regarding matters concerning all levels of ASD services in health care, education, and other adult and adolescent need areas.

*Senate Bill 199 / by Overbey, Kyle, Massey, Briggs, Crowe, Jackson, Johnson, Norris, Tracy, Yager, Yarbrow / Status: [PC 86](#) / Effective Date: July 1, 2017.*

**Stroke Registry** -- Legislation was passed this year to reduce the risk of preventable complications and death due to stroke by strengthening the state's existing Stroke Registry. It requires all certified comprehensive and primary stroke centers to share blinded data with the registry in order to compile a complete report on stroke care in Tennessee. The data will enable health organizations to study the fifth highest killer of Tennesseans in depth, including best practices for treatment. It will also provide evidence to allow hospitals and Emergency Medical Services (EMS) agencies to apply for federal level grants. The legislation comes from the Tennessee Stroke Best Practices Task Force.

*Senate Bill 544 / by Ketron, Briggs, Crowe, Massey, Overbey / Status: [PC 5](#) / Effective Date: Upon becoming law on March 15, 2017.*

**Palliative Care** -- A State Task Force on Palliative Care and Quality of Life was created under a new law passed this year. The purpose of the legislation is to promote patient-centered and family-focused palliative care in the state.

Palliative care is an approach intended to improve the quality of life of patients and their families who are facing serious or life-threatening illnesses. It aims to prevent and relieve their suffering by means of early identification, impeccable assessment, and the treatment of their pain, physical, psychosocial, spiritual, and various other ailments. The new law creates a nine-member task force charged with consulting and advising the Department of Health (DOH) on matters relative to the establishment, maintenance, operation, and outcome of palliative care initiatives.

Over the last decade, a multitude of studies have shown the benefits of palliative care, including improved quality of life, reduced patient and caregiver burden, and an overall reduction in total health care costs. Currently, 16 states have laws establishing these Advisory Councils, and an additional seven states introduced comparable bills during their most recent legislative sessions.

*Senate Bill 1170 / by Hensley, Crowe, Jackson, Briggs / Status: [PC 1170](#) / Effective Date: Upon becoming law on May 18, 2017.*

**Pornography / Public Health** -- Pornography has been recognized as a public health hazard

leading to a broad spectrum of individual and societal harms under a resolution passed by the General Assembly. The measure acknowledges the need for education, prevention, research and policy change at the community and societal level in order to address it.

The resolution particularly stresses the harm pornography poses to children due to advances in technology and the universal availability of the internet which has led to young children being exposed at an alarming rate. Twenty-seven percent of millennials reported they first viewed pornography before reaching puberty. Internet safety is the 4th top ranked issue on the list of health concerns for U.S. children. Utah, South Dakota, and Virginia have all declared the pornography industry to be a public health crisis.

*Senate Joint Resolution 35 / by Beavers, Haile / Status: Signed by Gov. on April 24.*

***Suicide Prevention*** -- Legislation seeking to prevent suicide by providing training to medical professionals and others who are most likely to interact with troubled individuals passed this year, enacting the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act." Studies indicate that not all professionals are properly trained in assessing, treating, and managing suicidal people, nor do they know how to refer them for proper treatment. This legislation addresses the need to implement effective training for the recognition of at-risk behavior and the delivery of effective treatment."

The new law requires professional counselors, marital and family therapists, pastoral therapists, social workers, alcohol and drug abuse counselors, and occupational therapists to undergo suicide prevention training. It calls for the program to be in place by January 1, 2020. Professionals affected would then have exactly two years to complete the initial training required with follow-up training every five years thereafter. Likewise, any professionals joining the field after 2022 would have two years to complete the training with a refresher course following every five years after.

The bill is named after Dr. Kenneth Tullis, a survivor of seven suicide attempts and multiple addictions, is an award-winning psychiatrist specializing in mood disorders, addictions, psychological trauma, and suicide prevention. Tullis and his wife, Madge, organized and co-chaired Tennessee's first-ever Suicide Prevention Conference. Together with the Tennessee Department of Mental Health and Developmental Disabilities, they founded the Tennessee Suicide Prevention Network (TSPN), which has become a model for other states.

*Senate Bill 489 / by Briggs, Massey, Yarbrow / Status: [PC 396](#) / Effective Date: May 18, 2017.*

***Hospital Assessment*** -- Tennessee's annual Hospital Coverage Assessment for the 2017-2018 fiscal year was approved, continuing the current 4.52 percent rate. The action prevents more than \$1.2 billion in potentially catastrophic TennCare cuts from taking effect on July 1, 2017. The assessment, which has saved Tennessee over \$2.6 billion over the last seven years, is used to draw down federal funds available through a Medicaid match program approved by the Centers for Medicare and Medicaid Services (CMS).

*Senate Bill 214 / by Overbey, Yager / Status: [PC 364](#) / Effective Date: July 1, 2017.*

**Ambulance Services** -- The legislature has passed a new law implementing the Ground Ambulance Service Provider Assessment Act. It allows the state to receive additional federal dollars from Medicaid to be redistributed to the local private and public ambulance services for transporting patients covered by the program. The bill is expected to generate approximately \$19.6 million in additional federal funds. The legislation has the support of the State Ambulance Service Association.

*Senate Bill 704 / by Yager, Watson, Haile, Bell, Crowe, Harris, Bailey, Bowling, Briggs, Stevens / Status: [PC 258](#) / Effective Date: For the purpose of rulemaking, this act shall take effect upon becoming a law on May 2, 2017. For all other purposes, this act shall take effect on July 1, 2017.*

**Cannabinoid Oil** -- Approval was given this year to legislation that excludes from the definition of marijuana a cannabidiol product which is approved as a prescription medication by the U.S. Food and Drug Administration (USDA). Tennessee law defines marijuana broadly to include all parts of the cannabis plant and any derivatives, even though oil and hemp are exempted. Unlike the main psychoactive cannabinoid in marijuana, tetrahydrocannabinol (THC), cannabinoid oil does not produce euphoria or intoxication. This measure ensures that USDA-approved medications containing cannabidiol oil, which are used for a variety of medical conditions such as epilepsy, multiple sclerosis, Parkinson's disease, and certain mental health disorders, are allowed under Tennessee law.

*Senate Bill 385 / by Massey, Niceley / Status: [PC 120](#) / Effective Date: Upon becoming law on April 12, 2017.*

**Drug Repository / Indigent and Uninsured** -- Legislation which sets up a repository program to help indigent or uninsured individuals who cannot afford their prescribed medications was approved this year. The new statute authorizes the DOH, in cooperation with the Board of Pharmacy, to operate a voluntary prescription drug donation repository program under which any individual, medical facility, or company may donate prescription drugs and supplies to help eligible persons.

For the donation to be accepted, the drugs must be in the original sealed or tamper-evident packaging and within the given expiration date. The donated prescription drugs include cancer and anti-rejection medications but would exclude any controlled substances. The donation must be inspected by a licensed pharmacist before being distributed to ensure it is not contaminated or misbranded.

The program calls for the donations of these specified prescription drugs and supplies to be made on the premises of a medical facility or pharmacy that has elected to participate in the drug repository program and meets the standards set forth under provisions of the act. A facility that receives donations may, in turn, distribute them to another eligible facility for distribution. Because it is a donation program, the legislation provides civil and criminal immunity to donors or participants except in the case of gross negligence, willful misconduct, or bad faith. Experts believe most of the donations will likely come from long-term care facilities who throw them away to dispose of them.

*Senate Bill 429 / by Kelsey, Haile, Harris / Status: [PC 392](#) / Effective Date: For purposes of promulgating rules,*

*this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2018.*

***Drug Donation Repository Program / Nursing Homes*** -- Likewise, the General Assembly voted this year to authorize a nursing home to participate in a drug donation repository program for prescription drugs that are not controlled substances. This new law also permits facilities to dispose of controlled substances and other prescription drugs by destruction using any means permitted by the Federal Drug Enforcement Agency.

*Senate Bill 1320 / Crowe, Briggs / Status: [PC 355](#) / Effective Date: Upon becoming law on May 11, 2017.*

***Drug Use / Needle Exchange*** -- Legislation which seeks to reduce the spread of HIV and Hepatitis C due to injection drug use has been approved. The new law allows the Tennessee DOH to identify and approve nonprofit companies to engage in syringe exchange at no cost to the state.

People who inject drugs not only imperil their health but that of their partners and offspring, not to mention the cost of treatment for the diseases. Needle exchange programs distribute clean needles and safely dispose of used ones, and also generally offer a variety of related services, including referrals to drug treatment and HIV counseling and testing.

*Senate Bill 806 / by Dickerson, Bowling, Briggs, Haile, Yarbrow / Status: [PC 413](#) / Effective Date: Upon becoming law on May 18, 2017.*

***Schools / Telehealth / Health care*** -- Legislation was approved in 2017 adding health care services provided to a patient at a public elementary or secondary education school be subject to the definition of telehealth services for which health insurance entities are required to reimburse in a manner consistent with reimbursement for in-person encounters. In addition, it requires that schools be staffed by a health care services provider.

*Senate Bill 195 / by Overbey, Haile, Yarbrow / Status: [PC 130](#) / Effective Date: Upon becoming law on April 17, 2017.*

***Schools / Addison's Disease*** -- The State Legislature passed a new law which authorizes school personnel to inject medication for adrenal insufficiency to a student with Addison's Disease who is experiencing an adrenal crisis. Addison's disease is a life-threatening illness that prevents a person's body from creating hormones that help it respond to stress. An adrenal crisis can be triggered by an injury, surgery, infection, or emotional stress. Death may occur without immediate treatment.

Currently, only school nurses are authorized to administer these injections, but under the new law, any willing school personnel receiving the proper training may be permitted to aid a student in an adrenal crisis on a volunteer basis. The bill was brought to the legislature by the Adzima Family and their son, Landon, who testified before the committee about the student's near-death experience while at a wrestling tournament. The coaches saw the importance of being able to help in this kind of emergency situation in the future, but current policy prohibited their assistance.

*Senate Bill 117 / by Briggs, Gresham / Status: [PC 84](#) / Effective Date: July 1, 2017.*

**Schools / Opioid Antagonist** – Legislation passed during the first half of the 110<sup>th</sup> General Assembly which calls on the State Board of Education (SBE) to develop guidelines to help ensure that every school in the state has an opioid antagonist on hand to counteract a life-threatening opioid drug overdose by a student. The new law also requires each local education agency (LEA) implement a plan based on those guidelines. Schools will be authorized to purchase two doses if the medication is not available through donation. The opioid antagonist, Naloxone, is sold under the brand name Narcan, among others, and is a safe medication used to block the effects of opioids, especially in overdose. The life-saving medication may be administered through a nasal spray or injected.

*Senate Bill 458 / by Bell, Yager, Yarbrow / Status: [PC 256](#) / Effective Date: July 1, 2017.*

**Community Paramedicine** -- Legislation that ensures rule-making authority is provided to allow for the practice of “community paramedicine” and “mobile integrated health care” has been approved on final consideration. The new statute implements an act previously adopted by the General Assembly to allow paramedics to operate in expanded roles to provide routine health care services to underserved populations. These are both emerging health care professions, and they are particularly important in rural parts of the state and even in some urban areas that are underserved.

*Senate Bill 1270 / by Norris, Harris / Status: [PC 370](#) / Effective Date: Upon becoming law on May 11, 2017.*

**Provider Stability Act** – A new law which seeks to provide greater transparency between health care providers and health insurance payers was passed during the first session of the 110<sup>th</sup> General Assembly. The measure also limits fee schedule changes to once a year. Under measure, insurers must provide a 60-day notice of a material change in the insurance carrier’s provider manual reimbursement rule or policy, and a 90-day notice of any change to health provider’s fee schedule. It requires insurance companies to identify and provide notice of any change they make to the provider’s fee schedule, including the effective date. The notice only applies to changes made in the carrier’s sole discretion and is applicable to increases and decreases in the reimbursement for services for a procedure performed pursuant to a provider’s contract with the carrier. The legislation gives health care providers more financial predictability and stability in their business.

*Senate Bill 437 / by Watson, Bell, Crowe, Bowling, Briggs, Dickerson, Gardenhire, Green, Hensley, Jackson, Lundberg, Massey, Overbey, Yager / Status: [PC 88](#) / Effective Date: January 1, 2019 and shall apply to all contracts existing on that date and to all contracts entered into or renewed after that date.*

**Nurses** -- Legislation updating Tennessee’s law regarding the relationship between advanced practice nurses and physicians has passed. The new statute defines the relationship to be one of collaboration, representing what is happening in health care currently.

*Senate Bill 523 / by Massey / Status: [PC 334](#) / Effective Date: July 1, 2017.*



**Medical Licensure Compact** -- The General Assembly has enacted the “Interstate Medical Licensure Compact” to facilitate the expedited licensure of physicians in multiple participating states. Passage of the bill follows action taken on similar compacts, including those involving nurses and physical therapists, which increase easier access to care. One of the reasons for the development of the compact includes telehealth and its expanding technologies which cross state boundary lines. Telehealth is particularly important to rural areas where there is a shortage of physicians. The measure could also address physician recruitment to reduce shortages by enabling physicians to work across state lines.

*Senate Bill 595 / by Watson, Bowling / Status: [PC 365](#) / Effective Date: January 1, 2019.*

## **OPIOID ABUSE / DRUG ABUSE**

State lawmakers continued to take steps during the 2017 legislative session to decrease the number of Tennesseans that abuse opioids. Opioid pain relievers such as oxycodone, hydrocodone, fentanyl, and hydromorphone are responsible for three-fourths of all prescription drug overdose deaths according to the Center for Disease Control (CDC). Tennessee has the second-highest rate of opioid prescriptions in the country, more than one prescription for every man, woman, and child. As a result, the number of overdose deaths has increased by more than 300 percent over the last two decades. This is despite the fact that over the last several years Tennessee has passed legislation to help prevent abuse by “pill mills” and to strengthen the state’s drug monitoring database.

The legislature continued efforts this year to combat the problem through the passage of several initiatives.

**BUDGET** -- The state’s 2017-2018 budget includes an additional \$11.5 million for substance abuse and crisis services. It also includes an Opioid Addiction Treatment Pilot Program at \$1 million.

**High Risk Subscribers / NAS Data** -- Legislation was passed this year that requires the Department of Health (DOH) to identify high-risk prescribers of opioids in the state. After being identified and notified of the high risk opioid prescriber status, this legislation requires the prescribers to comply with certain requirements. The new law calls for the affected prescriber’s waiting rooms and clinical areas to contain materials regarding the risks and complications of drug addiction. After three weeks of therapy and every 30 days thereafter, the prescriber would need to obtain a written consent form for the patient’s record, containing the risks of abuse, signed by the patient.

It also calls for the collection of data available from the Bureau of TennCare and DOH regarding the number of cases in which the source of opiates in the mother of an infant born with Neonatal Abstinence Syndrome (NAS) can be reasonably associated with a substance prescribed to her.

*Senate Bill 1041 / by Haile, Crowe, Bailey, Tracy / Status: [PC 483](#) / Effective Date: Upon becoming law on June 6, 2017.*

***Opiates / Drug-addicted Health Professionals*** -- A bill passed during the 2017 legislative session which creates a new process to identify drug-addicted health care professionals and either suspends their license to protect their patients or compels them to undergo drug-addiction treatment. Under current law, health care systems, like any other Tennessee company, can test for drug abuse randomly or when there is a suspicion of a problem. However, there is not a requirement to notify the DOH and the appropriate licensing board if a health care professional fails or refuses the test. This new law requires the DOH to be notified when a professional tests positive for drugs and does not have a prescription or valid medical reason.

Upon being reported, the professional will be referred to a peer substance abuse treatment organization for which the professional is licensed. The licensing boards will determine the protocols as to what determines compliance to ensure that the professional is ready to go back to work. Once the peer organization has determined that the provider has completed the program successfully, the licensing board will be notified so the professional can once again interact with patients.

The new statute also clarifies that quality improvement and peer substance abuse committees can share information regarding drug abuse by a health care practitioner. This clarity helps prevent a drug-addicted provider from moving from one health care facility to the next due to the failure in communicating abuse when one employer calls to question another regarding the work record of the practitioner.

*Senate Bill 1309 / by Crowe / Status: [PC 481](#) / Effective Date: July 1, 2017.*

***(REPEAT FROM HEALTH) Schools / Opioid Antagonist*** -- Legislation, which calls on the SBE to develop guidelines to help ensure that every school in the state has an opioid antagonist on hand to counteract a life-threatening opioid drug overdose by a student, passed during the first half of the 110<sup>th</sup> General Assembly. The new statute also requires each Local Education Agency (LEA) implement a plan based on those guidelines. Schools will be authorized to purchase two doses if the medication is not available through donation. The opioid antagonist, Naloxone, is sold under the brand name Narcan, among others and is a safe medication used to block the effects of opioids, especially in overdose. The life-saving medication may be administered through a nasal spray or injected.

*Senate Bill 458 / by Bell, Yager, Yarbrow / Status: [PC 256](#) / Effective Date: July 1, 2017.*

***Buprenorphine*** -- State legislators voted this year to require the Commissioner of the Department of Mental Health and Substance Abuse Services, in collaboration with the Commissioner of the DOH, to develop recommended nonresidential treatment guidelines for the use of buprenorphine. Buprenorphine-containing products, like Suboxone, are used for the treatment of opioid abuse. It reduces opiate withdrawal symptoms as it produces similar effects to the opioid. It requires the guidelines developed be used by prescribers as a guide for caring for patients by January 1, 2018. The new statute also calls for the guidelines to be posted online for licensees to access. The measure is similar to a law adopted by the General Assembly providing treatment guidance for the use of pain medication.

*Senate Bill 709 / by Yager, Crowe, Briggs, Massey, Haile / Status: [PC 112](#) / Effective Date: Upon becoming law on April 7, 2017.*

## **SCHOOL BUS / SCHOOL ZONE & STUDENT SAFETY**

Student safety was a key issue for the 2017 legislative session as the General Assembly passed several bills which aim to make improvements, including major legislation to make traveling on school buses safer. That new law comes after a deadly crash in Chattanooga last year which killed six children and a fatal crash in Knoxville in 2014 which killed two children and a teacher aide, with driver error at fault.

**School Bus Safety** -- Legislation was approved to enhance school bus safety by raising the minimum age for drivers to 25 and requiring all drivers to complete a school bus driver training program based on standards developed by the Department of Education and the Department of Safety prior to transporting any students. The new law clarifies that drivers must have five consecutive years of unrestricted driving experience prior to the date of application. The department must also be fully satisfied as to the applicant's good character, competency, and fitness before being employed.

The legislation requires school districts and charter schools to appoint a transportation supervisor, who receives annual training and is responsible for monitoring and overseeing student transportation for their district or charter school. The transportation supervisor will be responsible for implementing the school safety policy set by the local board of education, including a policy for investigating complaints.

Each school transportation policy must include:

- A plan for initiating an investigation into any complaint of a safety violation or concern with regard to school bus transportation within 48 hours;
- A plan for completing an investigation within 60 days of receiving a complaint and submitting a report detailing the findings and any action taken;
- A procedure for collecting and maintaining records related to transportation services; and,
- A procedure for notifying students and families of the process for reporting complaints or concerns.

*Senate Bill 1210 / by Norris, Gardenhire, Harris / Status: [PC 289](#) / Effective Date: January 1, 2018.*

**School Zone Safety** -- Legislation which bans drivers from knowingly driving through an active school zone while talking on a hand-held cell phone, met the approval of General Assembly in 2017. The new law applies to marked school zones when warning flashers are in operation. The legislation aims to provide greater safety for children as they go to and from school.

*Senate Bill 954 / by Tracy, Jackson / Status: [PC 416](#) / Effective Date: January 1, 2018.*

**SAVE Act / School Safety** -- Legislation amending the School Against Violence in Education (SAVE) Act to require each school to conduct at least one armed intruder drill per school year

has been signed into law. The drill will be conducted in coordination with the appropriate local law enforcement agency. Currently, the SAVE Act requires that each Local Education Area (LEA) adopt a district-wide and building-level school safety plan for crisis intervention, emergency response, and emergency management. Each safety plan is to be reviewed annually by the appropriate school safety team and updated as needed.

*Senate Bill 733 / by Gresham / Status: [PC 313](#) / Effective Date: July 1, 2017.*

***School Fire Drills*** -- Legislation has been enacted to reduce the number of required evacuation drills in public schools. The measure decreases the minimum requirement of practice drills to seven drills over a 10-month period. While the first four must be a complete evacuation, the remaining drills may be executed in the classroom by way of review through any means available to the school. The legislation aims to improve the efficiency of these drills without undermining the safety of the children.

*Senate Bill 136 / by Jackson / Status: [PC 451](#) / Effective Date: May 25, 2017.*

## **EDUCATION / TEACHERS**

***BUDGET*** -- Headlining key action taken this year by the Tennessee General Assembly is adoption of a budget that makes a large investment in education. The 2017-2018 budget fully funds the Basic Education Program (BEP) and appropriates \$6.2 billion in total funding for K-12 education. It also provides additional recurring funding to the BEP for additional teachers and translators for English Language Learner (ELL) students. In addition, the budget includes \$100 million to improve teacher salaries to boost the state's efforts to be the fastest improving state in the nation in student achievement. In addition, appropriations in the budget provide non-recurring funding for career and technical education equipment and funds for Priority School Improvement Grants.

***Teacher Education Programs / Engaging Collaboratively*** -- As Tennessee emerges as a national leader in education improvements, legislators are creating innovative ways to further the educational advances that the state of Tennessee is making. One new law which aims to aid in this endeavor is a measure creating an environment where higher education teachers engage collaboratively in classroom activities at the K-12 level. It requires the State Board of Education to meet annually to coordinate policies on educator preparation and gives it the authority to review educator preparation programs for non-compliance.

Research shows that teachers have the most impact of any in-school factor on student achievement. It is hoped that the legislation will close the gap between the higher and K-12 education systems, providing the state with better prepared educators to continue Tennessee's climb up the national education ranks.

*Senate Bill 614 / by Watson, Gresham, Yarbro, Norris, Overbey / Status: [PC 402](#) / Effective Date: Upon becoming law on May 18, 2017.*

***Teacher Training Programs / Flow of Information*** -- Legislation passed this year calling for a

flow of information between K-12 schools and teacher preparation colleges to improve the effectiveness of teacher education programs. The legislation requires the Department of Education to allow state-approved teacher training programs to access annual evaluation data for teachers and principals graduating from their programs for a minimum of five years after graduation. Before a teacher training program may access the evaluation data, however, they must enter into a data sharing agreement with the department that includes provisions safeguarding the privacy and security of the data. The information will help the schools evaluate and improve the effectiveness of their programs.

*Senate Bill 575 / by Gresham / Status: [PC 143](#) / Effective Date: Upon becoming law on April 17, 2017.*

**Teachers / Rights** -- Legislation providing a list of rights and protections for Tennessee teachers passed during the 2017 session. It gives educators the right to:

1. Be treated with civility and respect;
2. Have his or her professional judgment and discretion respected;
3. Report any errant, offensive, or abusive content or behavior of students to school officials or appropriate agencies;
4. Provide students with a classroom and school in which the educators, students, the property of the educator and students, and peers will be safe;
5. Defend themselves and their students from physical violence or physical harm;
6. Share information regarding a student's educational experience, health, or safety with the student's parent or legal guardian unless otherwise prohibited by state law or the federal Family Educational Rights and Privacy Act (FERPA);
7. Review all instructional material or curriculum prior to those materials being utilized for instruction of students; and,
8. Not be required to use their personal money to appropriately equip a classroom.

Under the new statute, the term “educator” applies to any teacher, principal, supervisor, or other individual required by law to hold a valid license of qualification for employment in the public schools of this state.

*Senate Bill 14 / by Tracy, Green, Hensley, Jackson, Roberts, Yager / Status: [PC 360](#) / Effective Date: Upon becoming law on May 11, 2017.*

**Teacher Supplies Fund** -- A new law was enacted this year requiring all BEP funds set aside for classroom supplies be allocated directly to teachers. Presently, \$200 is allocated for teacher supplies, with half going directly to the teacher and the other half to a committee which pools resources.

*Senate Bill 401 / by Gresham, Kelsey, Crowe, Niceley, Roberts, Tate, Yager / Status: [PC 389](#) / Effective Date: July 1, 2017.*

**Tennessee Educators Protection Act** -- Legislation has been approved creating liability protections for teachers, education employees, school board members, and authorized volunteers in Tennessee’s public and private schools. Named the “Tennessee Educator’s Protection Act,”

the new law protects school employees from frivolous lawsuits aimed at harassing faculty and staff while performing their duties.

The measure is based on the premise that meritless litigation against school employees interferes with the quality of public and private education, particularly where it arises out of the good faith efforts of educators to maintain classroom discipline or to address threats to student safety.

*Senate Bill 729 / by Gresham, Ketron, Gardenhire, Massey / Status: [PC 407](#) / Effective Date: July 1, 2017.*

***School Counselors / Additional Services*** -- State lawmakers gave final approval to a bill which clarifies that a certified school counselor, in collaboration with a parent, may recommend additional mental health counseling for a student without obligating the cost of that counseling to the school system. The new law does not change or interfere with the services already provided by the school system. The legislation simply eliminates the ambiguity that is often a barrier for school counselors to make this referral, which their ethics and training require, to a private counselor or therapist when the student's needs fall outside their scope of services.

*Senate Bill 341 / by Niceley / Status: [PC 18](#) / Effective Date: July 1, 2017.*

***Retired Teachers / Substitutes*** -- A bill which creates a solution for districts struggling to find competent substitute teachers has passed by allowing retired teachers to work as a substitute for 120 days, rather than the current 90 days. The measure requires that the school district exhaust other resources available before opting to hire the retired teacher.

*Senate Bill 156 / by Green, Overbey, Harper, Yager / Status: [PC 287](#) / Effective Date: July 1, 2017.*

***Retired Teachers / Substitute Teachers*** -- Similarly, legislation was passed that guarantees a teacher, without an active license that has retired within the last five years, is eligible for the same rate of pay as retired teachers that have maintained their licenses. This new law addresses the need for short-term substitute teachers who are highly qualified.

*Senate Bill 379 / by Briggs, Tracy / Status: [PC 387](#) / Effective Date: July 1, 2017.*

## **EDUCATION / PROGRAMS AND CURRICULUM / OTHER**

***Tennessee High-Quality Charter Schools Act*** -- Legislation to enact the Tennessee High-Quality Charter Schools Act advanced to passage. The new statute aims to improve the quality of charter schools that are authorized in the state by enhancing the relationship between charter authorizers and charter schools, increasing accountability and aligning charter practices in Tennessee with national best practices. Strong authorizing practices, oversight, and accountability will ensure districts are only authorizing schools with a strong potential for success and will ensure underperforming schools are promptly closed.

*Senate Bill 1197 / by Norris, Kelsey / Status: [PC 307](#) / Effective Date: July 1, 2017.*

***Middle College Scholarship Program*** -- A new law was approved this year creating a Middle



College Scholarship Program to help students who are earning a Middle College degree. Middle College is a public community college program that, in partnership with the LEA, permits high school students to earn both a high school diploma and an associate degree during their junior and senior years. Although the program facilitates a seamless transition to post-secondary education, due to the requirement that recipients have a high school degree, the students are not eligible for the Tennessee Promise Scholarship.

The legislation calls for a grant of \$600 per semester, or \$1,200 per year, to offset the cost of tuition and books during the two-year program. It also expands eligibility for the Tennessee HOPE Scholarship to students who complete Middle College.

Middle College students are among the most sought-after students in the nation by four-year colleges and universities and typically achieve 100 percent proficiency on high school benchmark exams. On average, 90 percent of Middle College graduates transfer to a four-year college or university.

*Senate Bill 720 / by Yager, McNally, Bailey, Bowling, Gresham, Haile, Jackson, Massey, Norris, Overbey, Stevens, Yarbrow / Status: [PC 405](#) / Effective Date: Upon becoming law on May 18, 2017.*

**Local Education Agencies (LEAs)** -- Legislation was passed requiring LEAs to offer at least four early post-secondary credit courses to students with the goal of encouraging them to partner with others or institutions of higher learning. This provides students a chance to take more advanced classes and prepare for their future. These courses can be provided through traditional classroom setting, online, blended learning, or other appropriate methods.

*Senate Bill 248 / Tracy / Status: [PC 450](#) / Effective Date: May 25, 2017.*

**Tri-Star Scholar** -- Students who earn a 19 or above on the ACT (or equivalent SAT score) and a capstone industry certification will be recognized as a Tennessee Tri-Star Scholar upon graduation under a new law enacted this year. It encourages more students to take the ACT or SAT tests, hopefully leading to a greater number of students pursuing higher education degrees or post-secondary certifications.

*Senate Bill 998 / by Haile / Status: [PC 207](#) / Effective Date: Upon becoming law on April 27, 2017.*

**Celebrate Freedom Week / History** -- The General Assembly approved legislation designating the week of September 17th as “Celebrate Freedom Week” in Tennessee public schools. The timing coincides with Constitution Day, which is also known as Citizenship Day, commemorating the formation and signing of the U.S. Constitution on September 17, 1787. The purpose is to educate students in grade K-12 about the sacrifices made for freedom in the founding of this country and the values upon which it was founded. This initiative emphasizes the teaching of the country’s origins with an emphasis on the founding documents, including the Declaration of Independence.

The Tennessee Department of Education will provide LEAs with online resources and materials for instructional use during Celebrate Freedom Week. The local schools then have latitude in

how they want to teach it.

*Senate Bill 1152 / by Hensley, Bowling, Kelsey, Bailey, Crowe, Gresham, Roberts / Status: PC 279 / Effective Date: For the purpose of promulgating rules, this act shall take effect upon becoming a law on May 4, 2017. For all other purposes, this act shall take effect July 1, 2018,*

**General Assembly Pages** -- A bill passed this year requiring a school to count a child who serves as a page in the General Assembly as present for attendance, in the same manner as an educational field trip, due to the educational experience. Pages, whose duties consist of anything from making copies, running errands within the Capitol building, to distributing legislative information to members of the General Assembly, get a unique front-row view of the lawmaking process.

*Senate Bill 1013 / by Gardenhire, Bell, Gresham / Status: PC 96 / Effective Date: Upon becoming law on April 4, 2017.*

**American Sign Language (ASL)** -- Legislation received final approval during the first half of the 110<sup>th</sup> General Assembly that requires the State Board of Education to adopt a policy allowing ASL courses to satisfy the foreign language credits. State law is already supposed to encourage Tennessee schools to offer courses in ASL and to accept them as satisfying a foreign language requirement. However, there has not been any movement to comply with the 1990 law. This new statute seeks to help the more than 500,000 Tennesseans who are deaf or hard of hearing and who use ASL as their primary form of communication.

*Senate Bill 524 / by Massey, Haile, Bowling / Status: PC 270 / Effective Date: For the purpose of promulgating rules, this act shall take effect upon becoming law on May 4, 2017. For all other purposes, this act shall take effect July 1, 2017.*

**Physical Activity / Recess** -- Legislation was enacted in 2017 that clarifies Tennessee's law regarding school recess requirements, requiring a minimum of 130 minutes of physical activity each school week for elementary school students and 90 minutes for middle and high school students. The new statute provides that physical activity must be at least 15 minutes to qualify as recess to ensure a benefit to the student. It also ensures that recess does not replace current PE programs.

*Senate Bill 662 / by Tracy / Status: PC 99 / Effective Date: Upon becoming law on April 4, 2017.*

**Student Athletes** -- The House of Representatives and Senate voted this year to modernize the Uniform Athlete Agents Act for the ever-evolving sport commercial marketplace and the increasing improper activity between athlete agents and student athletes. An athlete agent's recruitment of student athletes, while they are still enrolled in an academic institution, may cause substantial eligibility or other problems for both the student athlete and the academic institution. The new law protects the interest of student athletes, academic institutions, and athlete agents by regulating the activities of the agents. It expands the definition of "athlete agent" to ensure all who are compensated are included; provides reciprocal and interstate compact registration; provides a central location where an athlete agent credentials can be reviewed; enhances agency contract requirements; adds notification requirements mandating an athlete agent to notify the

education institution before making contact with the student; and, gives student athletes the right to sue an athlete agent for damages.

*Senate Bill 565 / by Overbey / Status: [PC 216](#) / Effective Date: September 1, 2017.*

**Career Technical Education** -- Finally, the General Assembly approved a bill to administratively attach the Council for Career and Technical Education to the Tennessee Board of Regents rather than to the Department of Education. The legislation also adds two members from the General Assembly to make Career Technical Education more effective.

*Senate Bill 1418 / by Tracy, Bowling / Status: [PC 433](#) / Effective Date: For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017.*

## **HIGHER EDUCATION**

Some of the most significant legislation approved by the General Assembly in 2017 was in higher education, including a key bill to give eligible citizens tuition-free access to community college. The legislation advances the state's "Drive to 55" initiative to get 55 percent of Tennesseans equipped with a college degree or certificate by the year 2025. The major legislation approved this year follows passage of the Tennessee Promise program in 2014, the nation's first scholarship and mentorship program that provides high school graduates last-dollar scholarships to attend two years of community or technical college free of tuition and fees.

**BUDGET** -- The 2017-2018 budget increases funding for Higher Education by \$149.2 million and appropriates total funding at \$4.4 billion. It establishes Reconnect Grants for Adults and tuition funding for Guardsmen through the Support Training and Renewing Opportunity for National Guardsmen (STRONG) Act. It provides \$10 million for need-based aid and supports numerous capital projects. Capital projects include \$126 million for a University of Tennessee at Knoxville Engineering Building, \$65 million for a new classroom building at University of Tennessee at Martin, \$25.8 million for the Motlow State Rutherford Campus, \$23 million for the East Tennessee State University Lamb Hall renovation, \$12 million for the Walters State Sevier County Campus, \$44 million for the University of Memphis' Music Center, and \$79 million for Tennessee Colleges of Applied Technology (TCATs) statewide.

**Reconnect Act** -- Among the top bills of the 2017 session was legislation to make Tennessee the first state in the nation to offer all adults without a degree tuition-free access to community college. The Tennessee Reconnect Act establishes a last-dollar scholarship for adults to attend a community college tuition-free by expanding a grant program launched in 2015 that especially aims to attract approximately 900,000 Tennesseans who have earned some college credit but no degree.

Adults without a certificate can already attend Tennessee Colleges of Applied Technology (TCATs) tuition-free under the current Reconnect program. This new law expands that program's access to community colleges and relieves some of the previous requirements to receive assistance. The Reconnect expansion will be funded out of lottery reserves at no cost to

taxpayers.

To be eligible for Tennessee Reconnect, a student must be 25 years of age, a Tennessee resident for at least one year preceding the date of application and does not already have an associate or bachelor's degree. Other requirements include completion of the Free Application for Federal Student Aid (FAFSA) application where the applicant is deemed an independent student. In order to maintain the Tennessee Reconnect grant, the student must enroll in classes leading to an associate's degree or certificate continuously and maintain at least a 2.0 GPA. The program will begin with the fall semester of the 2018-19 school year.

*Senate Bill 1218 / by Norris, Crowe, Gresham, Harper, Jackson, Kelsey, Massey, Stevens, Tate / Status: [PC 448](#) / Effective Date: Sections 4, 5, 6, 7, and 9 of this act shall take effect upon becoming a law, with all other sections to take effect August 1, 2018.*

**STRONG ACT** -- Likewise, the General Assembly passed the STRONG (Support, Training, and Renewing Opportunity for National Guardsmen) Act this year which creates a pilot program to provide eligible members of the Tennessee National Guard tuition. It provides funding toward a first-time bachelor degree through a tuition reimbursement program for those who protect and serve our state and country. It also provides consistency for recruiting, increasing competitiveness with surrounding states.

As a last-dollar reimbursement, the amount of state tuition reimbursement is offset by any other funds received. To be eligible, the individual must be currently serving with the Tennessee National Guard in good standing, have applied for federal tuition assistance, and be admitted to any Tennessee public community college, public university, or private college or university which is regionally accredited. The student must maintain a minimum grade point average of 2.0.

All but four states nationwide, and all states adjacent to Tennessee, already offer 100% state tuition assistance for those who are serving in the Guard. In addition to strengthening the Tennessee National Guard, the STRONG Act will strengthen Tennessee's workforce and economy and contribute to the "Drive to 55."

*Senate Bill 1216 / by Norris, Jackson, Ketron, Crowe, Gresham, Harris, Hensley, Massey, Watson / Status: [PC 229](#) / Effective Date: Upon becoming law on April 24, 2017.*

**Veterans / Making Military Training Count in Higher Education** -- In addition to making it easier for veterans to determine how their military training can count as credit in Tennessee's colleges and universities, legislation passed this year grants in-state tuition to anyone currently living in Tennessee who is using VA educational benefits, regardless of their official home of record. That change brings Tennessee into compliance with new provisions in the GI Bill, ensuring that about 13,000 Tennessee service members, veterans, and their dependents continue to receive education benefits under the federal program.

The legislation also updates and enhances Tennessee's [Veterans Education Transition Support \(VETS\) Act](#) which encourages enrollment of veterans and removes barriers known to impede

their success in attaining higher education credentials. That law created a “VETS Campus” designation to recognize and promote schools that make veteran enrollment a priority.

The new statute also calls on the Tennessee Higher Education Commission (THEC) to select representatives of various state colleges and universities by December 2018 to work collaboratively in adopting policies for Prior Learning Assessments (PLAs) for veterans. Currently, PLA credit can vary significantly from one institution to the next. The group will identify and develop uniform methods to assess and maximize academic credit for veterans based on the experience, education, and training obtained during their military service.

THEC will then create and maintain a web-based dashboard designed to assist veterans in assessing what credits they are eligible for at each of Tennessee’s institutions of higher education. A veteran or service member will be able to click on the specific military occupational specialty he or she possesses and instantly see what academic credit they qualify for at each of Tennessee’s public institutions

Approximately 27.7% of Tennessee’s Veterans have some college or an associate’s degree, while 24.3% have a bachelor’s degree. Like the STRONG Act, the VETS bill works in conjunction with the state’s “Drive to 55” initiative to get 55% of Tennesseans equipped with a college degree or certificate by the year 2025, prioritizing veterans in that goal.

*Senate Bill 1232 / by Norris, Gresham, Crowe, Green, Jackson, Massey, Overbey, Watson / Status: PC 31 / Effective Date: Upon becoming law on March 29, 2017.*

***FOCUS ACT / Appointments*** -- Senate Joint Resolutions 29, 30, 31, 32, 33 and 34 passed this year confirming appointments to several of the state’s university boards. The appointments follow the passage of the Focus on College and University Success (FOCUS) Act last year granting four-year state universities additional autonomy to empower each institution to be successful in improving student outcomes. Now that they are appointed, the new boards will have the authority to appoint campus presidents, manage university budgets, set tuition, and guide other operational tasks of the universities they oversee.

***Campus Free Speech Protection Act*** -- Legislation seeking to protect free speech and open inquiry on Tennessee’s college campuses was unanimously approved this year. The Campus Free Speech Protection Act seeks to protect First Amendment rights and values on Tennessee campuses. It requires Tennessee public institutions of higher learning to embrace a commitment to the freedom of speech and expression for all students and faculty, regardless of political or religious affiliations. It also requires the governing bodies of Tennessee’s colleges and universities to adopt a policy that affirms the principles of free speech, which are the public policy of this state. Included in that policy is an affirmation that “students have a fundamental constitutional right of free speech,” and that “an institution shall be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue.”

*Senate Bill 723 / by Overbey, Tracy, Bailey, Bowling, Briggs, Crowe, Gresham, Kelsey, Niceley, Stevens, Yager / Status: PC 336 / Effective Date: Upon becoming law for promulgation of rules but for all other purposes it takes effect January 1, 2018.*

***LEAP / Education*** -- A new law passed this year includes “work-based learning experiences” in the curriculum for work-based learning under the state’s Labor Education Alignment Program (LEAP). The legislation aims to meet necessary skill standards of industries in Tennessee as part of the LEAP program. The LEAP program not only makes sure the state education programs are providing a more relevant educational experience, but aligns them with the private sector as well, so that students can work, learn, and earn simultaneously. The LEAP program has engaged almost 20,000 students since it was passed in 2013.

*Senate Bill 1231 / by Norris, Gresham, Tate / Status: PC 283 / Effective Date: Upon becoming law May 4, 2017.*

***Smoking on College Campuses*** -- A new law passed this year authorizes the state university board of each public institution of higher education in Tennessee to adopt policies regulating smoking on property owned or operated by the institution. This applies to any area on campus that is not already prohibited by law.

*Senate Bill 116 / by Briggs / Status: PC 161 / Effective Date: Upon becoming law on April 24, 2017.*

***Immunizations / Tennessee Colleges and Universities*** -- Finally, legislation has been approved which grants the governing boards of each public institution of higher learning, in consultation with the Department of Health, the authority to promulgate rules regarding immunization requirements for students enrolled in their institutions. It gives public higher education institutions the flexibility to set commonsense regulations.

*Senate Bill 393 / by Gresham / PC 166 / Effective Date: Upon becoming law on April 24, 2017.*

## **LAW ENFORCEMENT / FIREFIGHTERS**

***BUDGET*** -- Action was taken in the 2017-2018 state budget aiding law enforcement by including funding for 25 state troopers. In addition, the budget fully funds the salary survey for state troopers. It also includes new funding to increase coverage for families of police and firefighters who lose their life in the line of duty.

***Enhanced Penalties for Targeting Law Enforcement or Military*** -- Legislation was passed this year increasing penalties against those convicted of intentionally selecting their victim because of his or her status as a uniformed law enforcement officer or member of the armed forces. The enhancement factor can be considered by the court at the time of sentencing. The new law was inspired by the many brave men and women in uniform, who have lost their lives, were injured, or were targeted simply because of their jobs as protectors of the community. This legislation aims to send a clear message that the reprehensible behavior of these dangerous criminals will not be tolerated, and they will be held accountable to the fullest extent of the law.

*Senate Bill 1342 / by Bailey / Status: PC 265 / Effective Date: July 1, 2017.*

***Private Information / Targeting Law Enforcement Officers*** -- Similarly, legislation passed this



year adds penalties to the current law forbidding the release of private information regarding law enforcement officers to protect them and their families from being targeted. Presently, it is unlawful to release nonpublic information regarding police officers, such as a street address, city, state, and zip code, but there is no punishment attached to the crime. The new law makes the offense a Class B misdemeanor, punishable by up to a \$500 fine for the negligent unauthorized release of an officer's residential address. If the release is intentional, the crime would be punishable as a Class A misdemeanor.

Senate Bill 467 / by Bell, Green, Crowe / Status: [PC 296](#) / Effective Date: July 1, 2017.

**HERO Act** -- Legislation aiding the families of law enforcement officers who are killed in the line of duty has passed. This new statute calls for a \$250,000 death benefit from the State of Tennessee for any firefighter, volunteer rescue worker, or law enforcement officer who is killed in the line of duty. The Helping Emergency Response Officials (HERO) Act significantly increases the current lump sum of \$25,000 paid at the time of death to a \$250,000 annuity with the first responder's estate receiving annual installments of \$50,000 per year until paid in full. While the increased payment can never repay the family for their loss, it can help address immediate financial challenges when their loved one gives the ultimate sacrifice in the line of duty.

Senate Bill 1059 / by Bowling, Massey, Bailey, Bell, Briggs, Haile, Norris, Stevens, Tracy, Watson, Yager / Status: [PC 445](#) / Effective Date: July 1, 2017.

**First Responders Killed in the Line of Duty** -- Likewise, lawmakers voted to authorize the State Insurance Committee to offer or continue to provide health insurance benefits to the surviving spouse and children of a first responder killed in the line of duty. Under this new law, the first responder's family and unborn child may receive health insurance benefits from the employing agency for up to two years.

Senate Bill 822 / by Haile, Bailey, Yager / Status: [PC 476](#) / Effective Date: July 1, 2017.

**Body Cams / Law Enforcement Officers** -- Legislation was given final approval which seeks to set the right balance between privacy and transparency in public access of body camera (cam) footage taken by law enforcement officers. Body cams are becoming more common, which has brought the need for clarity regarding public access to the footage. The new law creates exceptions to the public records request law when the footage involves minors at an elementary, middle or high school; when the body cam was filmed inside a hospital or medical facility that provides health care or mental health care; or when it is obtained in a private residence that is not being investigated as a crime scene. It further provides that nothing would prevent the information from being used in criminal proceedings by a District Attorney (DA), an Attorney General (AG), or defense counsel. It also ensures access to the footage by law enforcement courts or other governmental agencies.

Senate Bill 442 / by Johnson, Ketron, Yager, Bell, Bowling, Harper, Kelsey, Stevens, Watson / Status: [PC 255](#) / Effective Date: Upon becoming law on May 2, 2017, and shall expire on July 1, 2022.

***Special Agent De'Greun ReShun Frazier TBI Crime Lab and Regional Headquarters --*** Legislation designating the new Tennessee Bureau of Investigation (TBI) crime lab in Jackson, Tennessee as the Special Agent De'Greun ReShun Frazier TBI Crime Lab and Regional Headquarters has passed. Frazier, who was shot and killed during an undercover drug operation conducted in Jackson, Tennessee, was the first TBI agent in history to be killed in the line of duty.

*Senate Bill 1233 /by Norris, Jackson, and all other Senate members / Status: [PC 32](#) / Effective Date: Upon becoming law on March 29, 2017.*

***Highway Patrol Officers / K-9 Officers --*** Legislation allowing retirement health care benefits for Tennessee Highway Patrol K-9 officers has been signed into law. It provides \$85 per month to a highway patrol officer for the medical care of a retired canine in their custody. The dogs perform a wide variety of essential services, from those who are trained to detect drugs and explosives, to tracking criminals or finding missing persons. Many of these dogs have health conditions related to the hard work performed in the service of this state. It is often expensive to care for them as they age and these problems worsen. The new law requires the officer with custody of the canine to maintain and submit records of all medical treatment provided to the Tennessee Department of Safety.

*Senate Bill 1286 /by Crowe / Status: [PC 426](#) / Effective Date: July 1, 2017.*

## **CRIMES / AGAINST CHILDREN**

***Child Endangerment --*** The Senate and House of Representatives have passed a bill to broaden the definition of child endangerment to protect children at great risk of harm. The new law includes actions by a parent who knowingly exposes or fails to protect a child from abuse or neglect, placing the child in imminent danger. Tennessee law defines imminent danger as “the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury.”

Broadening this definition means that a child under the age of eight years old does not have to exhibit signs of physical injury to be considered endangered. An example would be a young child who is in a ‘drug house,’ and it is obvious that the child could pick up a pill, a syringe, or walk across glass. This legislation gives law enforcement the tools to rescue them before greater harm occurs, even though the child does not display current physical injuries.

*Senate Bill 310 /by Lundberg / Status: [PC 381](#) / Effective Date: July 1, 2017.*

***Child Rapist / Monitoring --*** State Senators and Representatives voted to approve legislation requiring any person who is considered a child rapist or a child sexual predator and who does not have either a primary or secondary residence to enroll in a satellite-based monitoring and supervision program. Under the new law, the offender must remain in the program for the full duration of their probation for the protection of children.

*Senate Bill 468 /by Bell, Roberts / Status: [PC 311](#) / Effective Date: July 1, 2017.*

***Sexual Exploitation of Children*** -- Legislation expanding the definition of "material" in regard to the sexual exploitation of children passed this year to protect children from being victimized in computer-generated images. This new definition includes any computer image, or computer-generated image, whether made or produced by electronic, mechanical, or other means, to ensure Tennessee's child pornography law covers the practice of morphing. Morphing is the smooth transportation of one image into another by a computer. The practice has been used by pornographers to put a child's face over an adult body in lewd sexual situations. Although federal law covers morphing, not everyone is charged federally. This legislation ensures state law bans such practices as well.

Senate Bill 605 / by Massey, Roberts, Stevens / Status: PC 249 / Effective Date: Upon becoming law on May 2, 2017.

## **CRIMES / RAPE / HUMAN TRAFFICKING**

Legislation was approved this year that builds on the General Assembly's ongoing efforts to attack the problem of human trafficking. The General Assembly has approved a series of bills over the past six years addressing the problem after a 2011 Tennessee Bureau of Investigation (TBI) report showed 73 of the state's 95 counties have reported the crime within their borders. A follow up to the 2011 report was released in 2014 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.

***BUDGET*** -- Among this year's initiatives to address the problem is inclusion of \$550,000 in the state budget for human trafficking grants to assist victims.

***Human Trafficking / Commercial Sex Act*** -- Among bills approved in 2017 is legislation which adds "trafficking for a commercial sex act" within the definition of "child sexual abuse" and "severe child abuse" under Tennessee law. Including child sex trafficking within this section of Tennessee law ensures that child welfare can intervene and provide services in cases that involve any form of commercial sexual exploitation of children. The legislation also changes the definition of "caregiver" in state law to allow victims to receive child welfare intervention.

The changes help ensure that child sex trafficking victims are properly identified and that child welfare does not face barriers in responding to these young victims. Bringing child sex trafficking within the definition of abuse facilitates a protective, coordinated, and consistent response to this form of sexual abuse.

Senate Bill 553 / by Ketron, Bowling, Jackson, Overbey, Roberts, Tate / Status: PC 292 / Effective Date: July 1, 2017.

***Human Trafficking / Prostitution*** -- Legislation which strengthens the penalty for patronizing prostitution was approved on final consideration. This new statute increases the crime from a Class B to a Class A misdemeanor. The sentence for a Class B misdemeanor is up to six months

imprisonment, a fine up to \$500, or both; whereas, the sentence for a Class A misdemeanor is up to 11 months and 29 days in prison, a fine up to \$2,000, or both. The bill is designed to attack the demand-driven problem of human trafficking in Tennessee.

*Senate Bill 551 / by Ketron, Massey, Overbey / Status: [PC 169](#) / Effective Date: Upon becoming law on April 24, 2017.*

***Human Trafficking / Minor Victims*** -- Legislation was approved this session which makes the identifying information of the minor victim of a criminal offense confidential and not open to inspection by members of the public, unless a court waives the confidentiality at the request of the minor's parent. Minors who have been victimized, such as child pornography or sex trafficking victims, should not have their identifiable information available to the public in a manner that could potentially be discovered and used to further victimize the minor in the media or social media. Social media victimization is an ever increasing problem and has been cited in a number of suicides in Tennessee and across the country. The newly-passed law provides a measure of protection for both children and families.

*Senate Bill 550 / by Ketron, Bowling, Harper / Status: [PC 308](#) / Effective Date: July 1, 2017.*

## **CRIMES / OTHER / COURT PROCESS**

Public safety headlined legislative action in the first session of the 110th General Assembly as lawmakers approved several major bills to reduce crime and provide for both juvenile and criminal justice reform.

***BUDGET / JUDICIARY*** -- The 2017-2018 budget provided several improvements to fight crime and provide for swifter justice. This includes 30 positions for district attorneys and 18 positions for public defenders. Funding increases were provided for the Tennessee Bureau of Investigation (TBI), including \$8 million for an airplane to be used in manhunts and investigations. The budget approved this year increases local jail reimbursement to \$39 per day, provides \$29.5 million for a new Multi-Agency Training Center, and allocates \$500,000 related to operation of Tennessee's Meth Task Force. This is in addition to funds appropriated to incarcerate felons with firearms, abusers of the elderly, and to enhance sentences against illegal aliens who commit unlawful acts.

***Organized Retail Crime*** -- Two key bills addressing the growing problem of organized retail crime in Tennessee were approved during the 2017 legislative session. The Organized Retail Crime Prevention Act defines organized retail crime and creates two new theft offenses for the purpose of prosecuting individuals who return stolen merchandise to receive money or store credit.

Tennessee is one of only 17 states that does not have Organized Retail Crime legislation. It is estimated that in 2015 the state lost over \$14 million in sales tax dollars and retailers lost over \$200 million related to return fraud. This legislation begins to address this growing problem, including proper monitoring of the resale exchange market to isolate these crimes.

Retail theft also affects Tennessee’s growing drug abuse problem. Expert testimony revealed that there were 19 overdoses due to opioids during the last month in Knox County in which 16 had sold gift cards on the resale market for cash.

The new law allows local law enforcement to accurately track gift card purchases and their resale. The measures apply to cards that are resold when the buyer knows the card was obtained fraudulently. It also establishes a reporting requirement that allows authorities to collect the data needed to demonstrate the fiscal impact of the crime. After reviewing the data, the legislature may come back next year to stiffen the penalties. The legislation does not apply to prepaid value cards like the Visa/MC or AMEX cards that can be used at any merchant.

The second bill expands the offense of theft of property to address modern shoplifting devices. It modernizes and updates the theft code and helps law enforcement convict the more sophisticated criminal. It also adds that a person who commits a fifth of a subsequent conviction for theft of property involving merchandise over a two-year period will be punished one classification grade higher than the punishment for the underlying offense. Offenders will be subject to a minimum fine of \$300 and a maximum fine established for the appropriate offense classification.

*Senate Bill 120 / by Briggs, Bowling, Lundberg, Overbey, Massey, Yager, Bailey / Status: [PC 472](#) / Effective Date: July 1, 2017 / [Senate Bill 119](#) / by Briggs, Bowling, Lundberg, Overbey, Jackson, Massey / Status: [PC 184](#) / Effective Date: July 1, 2017.*

***Crooks with Guns*** -- Major legislation passed this year continues a series of anti-crime laws dubbed “Crooks with Guns” by enacting tougher sentences for violent felons in possession of firearms. The new law increases the offense to a Class B felony, almost doubling the average time spent in jail. Likewise, it enhances penalties for possession of a firearm by a person with a prior felony drug conviction. Passage of the measure follows recent reports that convicted felons illegally in possession of firearms have increased from 13 to 17 percent over the past three years.

*Senate Bill 1241 / by Norris, Overbey, Hensley, Jackson, Stevens, Tate, Tracy / Status: [PC 475](#) / Effective Date: July 1, 2017 and shall apply to any person committing an applicable offense on or after that date.*

***Convicted Criminals / Unlawfully in the U.S.*** -- Another key bill passed by the General Assembly in 2017 allows courts in Tennessee to enhance the sentence of a convicted criminal who is unlawfully in the U.S. This statute creates a new enhancement factor that a judge can consider in sentencing if the defendant was illegally or unlawfully in the U.S. at the time the offense was committed.

*Senate Bill 1260 / by Norris, Bell, Stevens, Bailey, Bowling, Crowe, Gardenhire, Hensley, Niceley / Status: [PC 492](#) / Effective Date: July 1, 2017.*

***Crime / Terrorism / Reporting*** -- Legislation was approved this year which confers civil and criminal immunity to a person who in good faith makes a report to law enforcement or another appropriate authority of the behavior or activity of another person, if the report is made with the articulable belief that the behavior or activity constitutes or is in furtherance of an act of

terrorism.

*Senate Bill 816 / by Green, Bell, Hensley, Beavers, Bowling, Ketron, Kelsey, Stevens, Roberts / Status: [PC 208](#) / Effective Date: Upon becoming law on April 19, 2017.*

***Crime / Terrorism / Nuclear Facilities*** -- A new law which clarifies that deadly force may be used by nuclear security officers at both nuclear power reactor facilities and category I nuclear facilities has passed. The legislation adds the definition and appropriate references to ensure it is covered under the self-defense statute.

*[Senate Bill 220](#) / by Crowe, Southerland / Status: [PC 80](#) / Effective Date: March 31, 2017.*

***Protestors Blocking First Responders During Emergency*** -- Recent accounts of emergency vehicles being delayed due to protesters blocking roadways was the impetus behind legislation to ensure that access to emergency aid is always available for citizens. A new law passed this year increases the fine for blocking emergency vehicles from \$50 to \$200 and is accompanied by a Class B misdemeanor for any person who obstructs first responder vehicles, including police, fire, and ambulances, from reaching a destination in the event of an emergency.

*[Senate Bill 902](#) / by Bell, Ketron / Status: [PC 121](#) / Effective Date: July 1, 2017.*

***Judicial Diversion / Public Employees*** -- State lawmakers approved legislation which excludes employees of the executive, legislative, or judicial branch of the state or any political subdivision of the state from being eligible for pretrial diversion for any misdemeanor committed in the employee's official capacity. The legislation seeks to hold public employees accountable for their actions while on the job as a matter of public trust.

*[Senate Bill 690](#) / by Yager / Status: [PC 93](#) / Effective Date: July 1, 2017.*

***Help Find the Missing Act*** -- A new law was passed that streamlines the procedure for how local law enforcement, the TBI, and the medical examiner's office communicate with the National Missing and Unidentified Persons System (NamUs).

*[Senate Bill 113](#) / by Bailey / Status: [PC 239](#) / Effective Date: July 1, 2017.*

***First Degree Murder / Insanity Plea*** -- Legislation was approved requiring that a trial court order an individual who has been charged with first degree murder or a Class A felony, who is found not guilty by reason of insanity, to participate in an outpatient treatment for a minimum of six months after being released to the community. Under the new law, any individual who is currently committed to a hospital after being found not guilty by reason of insanity for first degree murder or a Class A felony at the time the offense was committed is also subject to a trial court order to participate in outpatient treatment for at least six months when discharged from the facility. It also requires that there be periodic reviews conducted by the trial court a minimum of once a year after the initial six-month period of outpatient treatment, in which the court will consider the various factors in deciding whether to continue or terminate the outpatient treatment requirement.



*Senate Bill 1206 / by Norris, Overbey / Status: [PC 342](#) / Effective Date: July 1, 2017.*

***Equal Justice / Drug Offenses*** -- State lawmakers voted this year to clarify that state drug laws preempt local ordinances in determining the appropriate sanction for drug offenses. Passage of the bill follows ordinances introduced in two cities in Tennessee that ease marijuana charges. The purpose is to uphold Tennessee's drug laws and apply justice equally in different localities in the state, regardless if the officer making the stop is employed by a city, county, or state law enforcement agency.

*Senate Bill 894 / by Johnson / Status: [PC 124](#) / Effective Date: Upon becoming law on April 12, 2017.*

***Desecration / Place of Worship of Burial*** -- Another law passed this year enhances penalties for desecration of a place of worship or burial from a class A misdemeanor to a class E felony. The measure is meant to discourage vandalism in such sacred places and to hold perpetrators responsible for their actions.

*Senate Bill 1415 / by Dickerson, Kyle, Harris, Yarbrow / Status: [PC 432](#) / Effective Date: July 1, 2017.*

***Victim's Compensation*** -- Legislation was approved this year empowering victims of crime. The legislation deletes a provision in current law that allows an alleged offender the right to have notice of and suspend all action concerning their victim's claim for compensation under the criminal injuries compensation fund. Victims of certain crimes are eligible for compensation for the offenses committed against them. A claim for compensation must be filed with the Division of Claims Administration of the Department of the Treasury no later than one year after the occurrence of the crime.

*Senate Bill 555 / by Ketron, Roberts / Status: [PC 182](#) / Effective Date: July 1, 2017 and shall apply to all applicable claims for compensation filed on or after that date.*

***Victims / Order of Protection / Temporary Handgun Carry Permits*** -- Final legislative approval was given to a new law allowing persons who have been granted an Order of Protection to immediately carry a handgun as long as they possess a copy of the order with them. It provides victims with the ability to protect themselves immediately as the process for obtaining a handgun permit can take weeks or months to obtain. The person would have 21 days to receive a temporary handgun permit in order to carry the weapon for an additional 60 days. This allows the victim time to complete the Tennessee handgun carry permit process if desired.

*Senate Bill 983 / by Gresham, Stevens, Bowling, Massey / Status: [PC 468](#) / Effective Date: May 26, 2017.*

***Domestic Violence Offenders / Firearm Prohibition Notice*** -- State lawmakers approved a new law ensuring that domestic violence offenders have indisputable notice regarding the prohibition from owning or possessing a firearm. Defendants who have been convicted of a domestic violence misdemeanor are prohibited from owning or possessing a firearm under both U.S. and Tennessee laws. Although this fact is verbally communicated to the defendant upon entering a guilty plea, the notice provided is deficient when compared to the information provided to

respondents in Order of Protection cases. This legislation uses the procedure that already exists for Orders of Protection to ensure that every convicted offender receives and completes a form that further informs the defendant about firearm restrictions and when and how to dispossess firearms. Offenders with a history of domestic violence are five times more likely to murder an intimate partner when a firearm is present in the home.

*Senate Bill 229 / by Massey, Bowling, Harris, Lundberg, Overbey, Yarbrow / Status: [PC 127](#) / Effective Date: For promulgating forms it takes effect upon enactment on April 12, but for all other purposes it is effective July 1, 2017.*

***Prisoners / Child Support*** -- The General Assembly has voted to allow the Department of Human Services to put a lien against an inmate's commissary account for the purpose of collecting child support.

*Senate Bill 1054 / by Bowling / Status: [PC 300](#) / Effective Date: Upon becoming law on May 5, 2017.*

***Criminal Justice Reform / Expungement*** -- Legislation has passed which gives individuals the opportunity for two offenses to be expunged—specifically, two misdemeanors or one misdemeanor and one class E felony at the discretion of the judge. Five years must have elapsed after completion of service for the original offenses or convictions and the offender must be up to date on court costs.

*Senate Bill 800 / by Dickerson, Harper, Yarbrow / Status: [PC 298](#) / Effective Date: Upon becoming law on May 5, 2017.*

***Criminal Justice Reform / Restoration of Driver's License*** -- A new law passed this year which expands the list of reasons that a judge could order the stay of the revocation of an offender's license to include such things as driving to school, driving to church, participating in a recovery court, or other reasons at the discretion of the court. It also allows a person, who lacks the ability to pay for an attorney, to apply for the full restoration of driving privileges and waive of outstanding fees by filing an affidavit of indigency.

*Senate Bill 802 / by Dickerson, Yarbrow / Status: [PC 412](#) / Effective Date: January 1, 2018.*

***Children / Zero to Three Initiative*** -- In court action this year, legislation was enacted establishing a new pilot program to help children from troubled homes avoid chronic adverse childhood experiences. It establishes the “Zero to Three Initiative Courts” within either a Juvenile Court or General Sessions Court, similar to Tennessee's Drug Courts.

Chronic childhood trauma, or what experts call adverse childhood experiences (ACEs), can disrupt a child's brain-building process. [Studies](#) document the impact on brain development these chronic experiences, like emotional abuse, physical abuse, neglect, growing up in a home with domestic violence or substance abuse, have on children. Left unaddressed, ACEs and their effects make it more difficult for a child to succeed in school, live a healthy life, and contribute to the state's future prosperity — our communities, workforce, and civic life.

The primary goal of the Zero to Three Initiative is to reduce the time of permanency of children in at-risk environments by surrounding families of children age 36 months or younger with

support services, whether it is returning them to parents, living with relatives or getting them ready for adoption. Leaders from state government, the business world, advocates, insurers, academia and nonprofit foundations are organized as public and private sector steering groups to guide implementation and provide leadership at the state, regional, and community levels.

Currently, there are two courts embracing this initiative in Nashville and Grundy County. The legislation calls for five courts to be added in Tennessee this year, with five more following in the fiscal year 2018-2019. The courts will use best practices evolving from ACEs research to provide interventions and structures to optimize social, economic, and health outcomes for these children.

*Senate Bill 887 / by Haile, Massey, Norris, Yarbrow / Status: [PC 366](#) / Effective Date: January 1, 2018, and shall cease to be effective January 1, 2022.*

***Forfeiture Hearings*** -- Legislation passed this year which makes contracting with Secretary of State for the use of administrative law judges mandatory, rather than optional, for forfeiture hearings in cases involving arson, the Tennessee Bureau of Investigation, the Tennessee Department of Safety and Homeland Security, the Alcoholic Beverage Commission the Department of Revenue, and the Tennessee Wildlife Resources Agency. It revises other various provisions to reflect the fact that administrative law judges, instead of a hearing officer or administrative head of the agency, will be conducting the hearings.

*Senate Bill 1001 / by Beavers, Gardenhire / Status: [PC 352](#) / Effective Date: Section 1 through Section 5 of this act shall take effect July 1, 2017, with Section 6 taking effect on January 1, 2019.*

***Forfeiture of Civil Assets*** -- A new law passed this year expanding the reporting requirements for the Annual Civil Asset Forfeiture Report provided by the Department of Safety (DOS) to committees of the Tennessee General Assembly. It also creates a General Session's Court of Appeals process for a person with claim to property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner. The legislation further provides that if a forfeiture warrant was issued by a magistrate or judicial commissioner, the warrant, a copy of the affidavit, and the notice of seizure will not be sent to the applicable agency for seven business days.

*Senate Bill 644 / by Lundberg, Gardenhire / Status: [PC 441](#) / Effective Date: For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017.*

## **JUVENILE JUSTICE REFORM**

The General Assembly tackled several juvenile justice reform measures during the 2017 session. The measures passed this year focus on providing juveniles with educational opportunities to place them on a path to success, rather than a life of crime. The new laws also seek to scale back court practices which are overly punitive, while balancing the need for public safety.

***Truancy / Juvenile Justice Reform*** -- Legislation establishing a creative and innovative truancy intervention program for students in K-12 schools has passed the General Assembly. Truancy is the most frequent reason given for schools referring juveniles to court. The new law creates a mentorship-type relationship between a designated school representative and child and parent in an opportunity to focus on attendance prior to it becoming a juvenile court issue.

The legislation requires that the schools notify parents at the beginning of the school year in writing regarding their attendance policy. After three unexcused absences, the student and parent are pulled into a conference with a school representative to address the absences and to implement the first tier of the progressive truancy intervention. An agreement is then signed by the student, parent and school representative, including the school's attendance expectations for the child and penalties for additional absences.

Two additional tiers of interventions will be applied if the student accumulates additional unexcused absences in violation of the attendance contract. At least one tier must include an individualized assessment regarding the reasons for the absence, and if necessary, referral to the child to counseling, community-based services, or other services aimed at addressing the student's attendance problems.

*Senate Bill 196 / by Overbey / Status: [PC 379](#) / Effective Date: July 1, 2017.*

***Juveniles / Detention Centers*** -- A new law establishing rules and regulations to provide a consistent and appropriate level of education services to public school students who are incarcerated in Tennessee's 17 juvenile detention centers was passed during the first session of the 110<sup>th</sup> General Assembly. The detention centers are intended to be temporary holding facilities for youth awaiting adjudication, which is typically less than 72 hours. A small percentage of incarcerated youth, however, are held beyond this time period while a long-term placement option is determined or because a determinate sentence in the center has been given by a judge.

Presently, the law is not specific about the responsibility to educate students in juvenile detention centers who receive general education services. With education services lacking in some juvenile detention centers, this is concerning as the juveniles need to attain their degree to help them succeed. The legislation passed this year will put the responsibility on the Local Education Agency (LEA) that is most appropriate to serve each juvenile detention center. It also requires that the Department of Education monitor the educational services provided in these centers and the Department of Children's Services monitor each center's compliance through its licensure of the detention centers.

*Senate Bill 1195 / by Norris, Tracy, Bowling, Bailey, Jackson, Yarbro / [PC 152](#) / Effective Date: Upon becoming law on April 17, 2017.*

***Juvenile Justice Reform / Notification Process*** -- Among several juvenile justice reform bills approved by the General Assembly this year involving the court process for expungement, is one which addresses the issue of notification of the need to file a motion to begin the process. Through this bill, the administrative office of the courts will create a form that can be used by the

children themselves to move forward with the expungement process.

*Senate Bill 1244 / by Norris, Harper, Yarbrow / Status: [PC 196](#) / Effective Date: July 1, 2017.*

***Juveniles / Sexually Explicit Images*** -- A new law enacted this year addresses minors who are caught knowingly possessing or distributing sexually explicit images via electronic means in violation of Tennessee's pornography statutes. It will provide Tennessee District Attorneys and Juvenile Court Judges with an alternative to the felony conviction required under current state law for such actions to charge minors with an "unruly act." However, it reserves the right for prosecutors to charge the juvenile under the felony statute if the crime warrants a higher level of punishment such as distribution of the photo or online posting. It also provides protections to those minors who do not solicit the photograph, video, or other material, or who delete it or report it to the minor's parent or legal guardian, school staff, or law enforcement official.

*Senate Bill 866 / by Johnson / Status: [PC 367](#) / Effective Date: July 1, 2017.*

***Juvenile Justice Reform / Adolescent Files for Expungement*** -- Similarly, another bill passed by lawmakers this year outlines scenarios that are taken into consideration when an adolescent files for expungement. It also creates a process to expunge cases that are disposed of by pretrial or judicial diversion after successfully completing one year of the court's expungement conditions. However, a motion could be made prior to the one year period, but would still require the court to find a successful completion so long as conditions are still met and the court believes expungement serves the best interest of the child and the community.

*Senate Bill 1253 / Norris, Harper, Yarbrow / Status: [PC 199](#) / Effective Date: July 1, 2017.*

***Juvenile Justice Reform / Filing Costs*** -- A third bill on expungement for juveniles reduces court fees, removing the impediment for the juvenile moving forward in life. The current cost that accompanies filing a petition for expungement is \$350. Through passage of this new law, the cost of expungement would be reduced to \$180 to provide a more affordable fee.

*Senate Bill 1245 / Norris, Harris, Gardenhire, Harper, Tate / Status: [PC 456](#) / Effective Date: May 25, 2017.*

***Juvenile Justice Reform / Age of Eligibility for Expungement*** -- Finally, legislation was passed that lowers the age of eligibility for expungement of non-violent offenders from 18 to 17 in order to allow adolescents the ability to start the process sooner. This new statute will help them be prepared to enter post-secondary education and the workforce with a clean record.

*Senate Bill 1243 / by Norris, Harper, Jackson / Status: [PC 197](#) / Effective Date: July 1, 2017.*

## **VETERANS**

The General Assembly passed numerous bills during the 2017 legislative session to aid Tennessee's veterans and show support for those who serve in the U.S. armed forces.

***BUDGET*** -- The budget fully restores property tax relief for 100 percent service-related disabled

veterans by raising the home value threshold from \$100,000 to \$175,000. The budget also calls for additional veterans courts to help offenders get the help they need through a specialized program which has been highly successful. In addition, appropriations this year provide \$18 million for a State Veterans' Home in West Tennessee.

***Veterans / Employment*** -- Legislation has passed which provides protections to employers if they give hiring preference to honorably discharged veterans, their spouses, in certain cases, or survivors. The new law allows companies to give special consideration for hiring veterans. Many companies want to give preference to veterans because of their unique skill sets, proven work ethic, and reliability, but may be hesitant to do so out of concern of being sued under Title VII of the Civil Rights Act of 1964. Title VII, Section 11 of the Civil Rights Act contains a carve-out that exempts veterans' preference processes that are authorized by state statute.

The bill includes spouses of a veteran with a service-connected disability, unremarried widows or widowers of a veteran who died of a service-connected disability, and unremarried widows or widowers of a member of the military who died in the line of duty.

*Senate Bill 209 / Green, Crowe, Gresham, Norris, Tate / Status: [PC 9](#) / Effective Date: Upon becoming law on March 22, 2017.*

***Handgun Training / Military Personnel*** -- A new law passed during the 2017 legislative session that exempts active-duty military service members and veterans who have specialties as military police, special operations, or Special Forces from handgun carry permit firing range requirements. The specialties include military police, special operations, and Special Forces due to the intensive firearms training that is required of these soldiers.

*Senate Bill 24 / by Green, Tracy, Overbey, Bowling, Lundberg, Gresham, Roberts, Watson, Jackson / Status: [PC 159](#) / Status: Upon becoming law on April 24, 2017.*

***U.S. Armed Forces / Marriage While Deployed*** -- Members of the United States Armed Forces, stationed in another country, can be married via video conferencing under another law which passed this year. This legislation aims to help soldiers who are deployed and wish to marry during that time.

*Senate Bill 494 / by Briggs, Yarbro / Status: [PC 397](#) / Effective Date: Upon becoming law on May 18, 2017.*

***Veterans / Yellow DOT Program*** -- Lawmakers voted this year to extend the state's [Yellow DOT Program](#) to include veterans with Post-Traumatic Stress Disorder (PTSD). The Yellow DOT Program is designed to provide first responders with an individual's medical information in the event of an emergency on Tennessee's roadways. This new statute calls for including veterans, should they choose to opt in, to inform the police officers and other responders of a potential medical situation due to PTSD. It also authorizes TDOT to publicize the Yellow Dot Program in conjunction with the Department of Veterans Services and agencies providing services to veterans.

*Senate Bill 1304/ by Crowe / Status: [PC 34](#) / Effective Date: Upon becoming law on March 29, 2017.*



**Armed Forces / Veterans Hospitals** -- Two resolutions passed by the Tennessee General Assembly this year urge the Secretary of the Department of Veterans Affairs to establish VA hospitals in Knoxville and Clarksville. Over 500,000 veterans of the United States Armed Forces live in Tennessee. Clarksville in Montgomery County is the home of Fort Campbell and the 101<sup>st</sup> Airborne Division with about 28,000 veterans residing there and 8,000 living just across the state line in Kentucky. Veterans from Clarksville must drive 80 miles or more to receive care, while those in East Tennessee may have to drive more than 150 miles.

Senate Joint Resolution 4 / Green and 30 co-sponsors / Status: Signed by Gov. on March 16, 2017 / Senate Joint Resolution 5 / by Green, Norris / Status: Signed by Gov. on March 22, 2017.

**POW/MIA Flag** -- Legislation was approved which calls for flying the POW/MIA flag over the Legislative Plaza and the Vietnam Veterans Plaza all year to remember the sacrifices of soldiers who are prisoners of war or missing in action. It will be displayed over the State Capitol during the month of September, as the third Friday of September is National POW/MIA Recognition Day.

Senate Bill 125 / by Green, Crowe, Niceley / Status: [PC 437](#) / Effective Date: Upon becoming law on May 25, 2017.

**Veterans / Burial Flag** -- A new law passed requiring the adjutant general to provide a burial flag to the members of the family of a deceased person who is an active, honorable discharged, or retired member of the National Guard who served at least one year.

Senate Bill 1360 / by Bailey, Bowling, Roberts / Status: [PC 430](#) / Effective Date: Upon becoming law on May 18, 2017.

**U.S. Flag / Armed Forces** -- A new statute has been signed into law which prohibits homeowners' associations from adopting or enforcing regulations that prohibit flying the U.S. flag or flags representing the Armed Forces. The law applies to those adopted on or after July 1, 2017, the effective date of the act.

Senate Bill 469 / by Niceley, Bowling, Haile / [PC 331](#) / Effective Date: July 1, 2017.

**(REPEAT FROM LAW ENFORCEMENT) Enhanced Penalties for Targeting Law Enforcement or Military** -- Legislation was passed this year increasing penalties against those convicted of intentionally selecting their victim because of his or her status as a uniformed law enforcement officer or member of the armed forces. The enhancement factor can be considered by the court at the time of sentencing. The new law was inspired by the many brave men and women in uniform, who have lost their lives, were injured or targeted simply because of their jobs as protectors of the community. This legislation aims to send a clear message that the reprehensible behavior of these dangerous criminals will not be tolerated, and they will be held accountable to the fullest extent of the law.

Senate Bill 1342 / by Bailey / Status: [PC 265](#) / Effective Date: July 1, 2017.

**(REPEAT FROM HIGHER ED) STRONG ACT** -- Two key bills providing more education

opportunities for those serving in the military passed during the 2017 legislative session. This includes the STRONG (Support, Training, and Renewing Opportunity for National Guardsmen) Act, which creates a pilot program to provide eligible members of the Tennessee National Guard tuition. The new law provides funding toward a first-time bachelor degree through a tuition reimbursement program for those who protect and serve our state and country. It also provides consistency for recruiting, increasing competitiveness with surrounding states.

To be eligible, the individual must be in good standing with the Tennessee National Guard and be admitted to and enroll in an eligible institution (any Tennessee public community college, public university, or private college or university, all of which must be regionally accredited). Individuals attending private institutions will be reimbursed for the average cost at a public institution. Program recipients must maintain a minimum grade point average of 2.0. An individual who loses eligibility for failing to maintain the required grade point average may regain eligibility upon maintaining a 2.0 grade point average in a subsequent semester.

As a last-dollar reimbursement, the amount of state tuition reimbursement is offset by any other funds received. In addition to strengthening the Tennessee National Guard, the STRONG Act will strengthen Tennessee's workforce and economy and contribute to the Drive to 55.

*Senate Bill 1216 / by Norris, Jackson, Ketron, Crowe, Gresham, Harris, Hensley, Massey, Watson / Status: [PC 229](#) / Effective Date: Upon becoming law on April 24, 2017.*

***(REPEAT FROM HIGHER ED) Veterans / Making Military Training Count in Higher Education*** -- The second law approved this year providing education opportunities for veterans makes it easier for veterans to determine how their military training can count as credit in Tennessee's colleges and universities. The measure also grants in-state tuition to anyone currently living in Tennessee who is using VA educational benefits, regardless of their official home of record. In addition, the legislation updates and enhances Tennessee's Veterans Education Transition Support (VETS) Act, which encourages enrollment of veterans and removes barriers known to impede their success in attaining higher education credentials. It calls on the Tennessee Higher Education Commission (THEC) to select representatives of various state colleges and universities by December 2018 to work collaboratively in adopting policies for Prior Learning Assessments (PLAs) for veterans.

*Senate Bill 1232 / by Norris, Gresham, Crowe, Green, Jackson, Massey, Overbey, Watson / Status: [PC 31](#) / Effective Date: Upon becoming law on March 29, 2017.*

## **CONSUMERS / CONSUMER SAFETY**

***Consumer Protection / Automobiles*** -- Among bills aiding Tennessee consumers passed by the General Assembly this year is one that protects consumers from purchasing a used automobile that has been recalled and is unsafe to drive. Also called the "Motor Vehicle Recall and Disclosure Law," the legislation prescribes that any vehicle deemed unsafe by the Highway Safety Administration to drive is too dangerous to be sold until properly repaired by the dealer. It also provides that after 30 days of waiting for a repair part, the manufacturer must pay a one percent monthly payment to the dealer based on the average trade in value of the vehicle being

withheld from sale.

*Senate Bill 172 / by Niceley, Tracy / Status: [PC 306](#) / Effective Date: January 1, 2018.*

**Consumers / Spoofing** -- State lawmakers gave final approval to legislation that creates a consumer protection violation for someone who employs caller identification (ID) spoofing technology with the intent to defraud or cause harm to another person, or to wrongfully obtain anything of value. Spoofing technology allows a person, when making a call or sending a text message, to change the number so that it appears on the recipient's caller ID that it is different from the one that is being used. It is often used as part of an attempt to trick someone into giving away valuable personal information so it can be used in fraudulent activity or sold illegally. This new statute creates a Class A misdemeanor for spoofing, as well as allowing for spoofing victims and the state's Attorney General to pursue civil actions against offenders.

*Senate Bill 511 / by Johnson, Haile, Harris, Yarbrow, McNally / Status: [PC 257](#) / Effective Date: July 1, 2017 and shall apply to prohibited conduct occurring on or after that date.*

**Consumers / Home Construction Contractors** -- Legislation passed during the 2017 legislative session expanding a 2010 law protecting homeowners from unscrupulous home improvement contractors. The 2010 law created a consumer protection remedy for homeowners who contract for home improvement services when the service provider has the intent to defraud. The new law passed this year adds new home construction contractors to that consumer protection statute.

*Senate Bill 780 / Johnson / Status: [PC 310](#) / Effective Date: July 1, 2017.*

**Consumers / Tennessee Uniform Unclaimed Property Act** -- A new statute was enacted during the first half of the 110<sup>th</sup> General Assembly that modernizes current unclaimed property laws, addressing new types of property and changes in technology. The act will reduce the general abandonment period for property from five to three years, allowing the state to begin searching for rightful owners sooner than before. It also increases efficiency by allowing the State Treasurer to directly return unclaimed property belonging to governmental entities without a claim having to be filed.

*Senate Bill 371 / by Overbey / Status: [PC 457](#) / Effective Date: For the purpose of rulemaking, this act shall take effect upon becoming a law on May 25, 2017. For all other purposes, this act shall take effect on July 1, 2017.*

**Identity Theft** -- Another consumer bill passed this year removes the social security number contained on the permanent identification device attached to a decedent's body prior to placing them in a casket or entombment to deter identity theft.

*Senate Bill 428 / by Stevens / Status: [PC 139](#) / Effective Date: Upon becoming law on April 17, 2017.*

**Safety / Amusement Park Rides** -- Legislation to provide greater safety for amusement park rides in Tennessee has been signed into law. The measure comes after two accidents occurred in Tennessee last year, including one in Memphis when eight people were taken to the hospital after a carnival ride malfunctioned and was prematurely shut down at the Delta Fair. The other accident occurred at the Greene County Fair where three girls fell 35 to 40 feet when a basket

overturned on a Ferris wheel resulting in serious injuries.

The legislation addresses safety issues on the front end with increased inspections and oversight of the devices, while strengthening standards for device operators and requiring a prominent display of proof of inspection. To accomplish the inspections, the bill allows the Department of Labor and Workforce Development to continue either their current practice of using qualified, third party device inspectors, or they can employ their own inspectors.

The new statute also requires that an operator of an amusement device must be competent, 16 years of age, operating only one device at a time, and that they must be present while the ride is engaged. In addition, it authorizes persons injured in accidents to bring a cause of action against the owners and operators of these amusement devices.

*Senate Bill 430 / by Kelsey, Kyle, Yarbrow / Status: [PC 393](#) / Effective Date: Upon becoming law on May 18, 2017.*

## **WILDFIRES RELIEF**

Several bills were passed during the 2017 legislative session to provide aid to victims of the Sevier County wildfires that burned more than 17,000 acres and damaged or destroyed some 2,460 structures. The fires started at a one-and-one-half acre site on the Chimney Tops trail in the Great Smoky Mountains National Park before spreading due to a perfect storm of dangerous circumstances, including drought-like conditions, unusually strong winds, and low humidity.

***Sevier County Wildfires*** -- Legislation which helps the City of Gatlinburg and Sevier County rebound from the devastating November wildfires received final approval. The new law allows local governments to go on private property at the request of the property owner to clean up debris after a national disaster upon the local governing body adopting a plan for providing assistance. The action will help Gatlinburg receive reimbursements from the Federal Emergency Management Agency (FEMA) to clean up debris on private residential property that is not low income, elderly, or disabled owned. Passage of this bill will allow the city of Gatlinburg to clean up all private residences in a declared FEMA disaster area. This measure assists in the clean-up effort and helps the city to get reimbursement from FEMA.”

*Senate Bill 964 / by Overbey, Crowe, Niceley / Status: [PC 275](#) / Effective Date: Upon becoming law on May 4, 2017.*

***Wildfires / Disasters / Property Tax Relief*** -- Legislation was passed which gives victims of the wildfires and tornadoes which ravaged Tennessee this fall a measure of property tax relief. It allows a local governing body, by a two-thirds vote, to provide tax relief on real and personal property damaged by the wildfire. The legislation calls for prorating the 2016 tax assessment for a homeowner's real property or business owner's personal property, if the property was damaged by 50 percent or more in a disaster certified by the Federal Emergency Management Agency (FEMA) between September 1 and December 30, 2016. If the tax computed for the 2016 tax year has been paid prior to the proration, the victim would receive a refund under the bill. The legislation is retroactive to January 1, 2016.

*Senate Bill 114 / by Overbey, Southerland, Norris / [PC 11](#) / Effective Date: Upon becoming law on March 24, 2017.*

**Sevier County Wildfires** -- A new law has been signed which utilizes the cities' "premier resort" status under Tennessee law to allow Gatlinburg and Pigeon Forge to retain an additional amount of the state sales tax revenue by removing the cap for four fiscal years beginning July 1, 2017, and ending June 30, 2021. It also raises the amount of sales tax relief provided to those who are rebuilding their home from \$2,500 to \$3,500 and extends it to secondary residences.

*Senate Bill 409 / by Overbey, Norris, Southerland / Status: [PC 390](#) / Effective Date: Upon becoming law on May 18, 2017.*

**Recognizing Victims / Appreciation for Assistance** -- In addition, the General Assembly approved a resolution that recognizes the victims of the Sevier County wildfires and expressing appreciation to those who provided assistance.

*House Joint Resolution 23 / by Overbey / Signed by Gov. on January 20, 2017.*

## **PROPERTY / AGRICULTURE / ENVIRONMENT / RECREATIONAL**

In addition to providing funds to help expand broadband to unserved or remote areas, Tennessee lawmakers passed several laws this year to help rural communities.

**BUDGET** -- The 2017-2018 state budget provides \$10 million in grants that will greatly benefit rural communities. In addition, it contains \$21.7 million for rural development and \$52.4 million for state parks, which are mostly located in rural communities.

**Farm Property / Inequitable Taxation** -- The General Assembly voted this year to ensure that agricultural property is not reclassified as commercial for the purpose of property tax assessment. Article 2, Section 28 of the Tennessee Constitution requires farm property to be assessed at 25 percent of its value. The legislation comes after reports of agricultural properties being reclassified as commercial real property, which is assessed at 40 percent of its value. This measure ensures that both the letter and spirit of Tennessee law and the State Constitution are followed to protect farmers from inequitable taxation.

*Senate Bill 904 / by Bell, Yager, Bowling, Crowe, Niceley, Stevens / Status: [PC 351](#) / Effective Date: Upon becoming law on May 11, 2017.*

**Industrial Hemp** -- A new law was passed this year that broadens the definition of industrial hemp. The new definition includes the whole plant extract, whether in the manufacturing process or reconstituted, and requires that industrial hemp license and permit fees are calculated in the same manner as other fees for programs administered by the Department of Agriculture. It also expands the seed and propagule sourcing beyond certified varieties to feral varieties, as long as plants remain below THC levels (<0.3 percent) qualifying as industrial hemp. The measure also allows for the sale of non-certified industrial hemp seed in Tennessee and provides the

Department of Agriculture with authority to register and track, as well as establish fees to administer the industrial hemp pilot program.

*Senate Bill 968 / by Niceley / Status: [PC 369](#) / Effective Date: Upon becoming law on May 11, 2017.*

***Tennessee-based Agricultural Products*** -- In action on agriculture, legislation was approved to help encourage the growing and selling of Tennessee-based agricultural products. The legislation exempts small food manufacturers, or domestic kitchens, from licensing and inspection if they meet certain criteria. It includes kitchens which have no full-time regular employees and who sell direct retail products which are properly labeled and are non-hazardous.

The “eat locally produced food” movement has encouraged many individuals to produce food items that were not economically feasible previously. The businesses affected are typically very small start-up companies that would be encouraged to grow without unnecessary fees. The size of these businesses and the type of food most often produced poses little health risk compared to the cost of inspecting and licensing them. This new law will allow for growth of small business start-ups in Tennessee’s rural communities across the state.

Agriculture is one of the top industries in Tennessee, contributing more than \$70 billion a year to the state’s economy and employing more than 340,000 citizens. The state has more than 66,000 farms representing 10.8 million acres.

*Senate Bill 1187 / Norris, Niceley / Status: [PC 150](#) / Effective Date: Upon becoming law on April 17, 2017*

***Community Gardening Act / Honey Bees*** -- In addition, the General Assembly passed a new law that adds beekeeping to practices included in the Tennessee Community Gardening Act in a proactive measure that allows for the urban gardening of honey bees.

Since 1987, there is no longer a feral population of honey bees in Tennessee; therefore, pollination relies solely on the managed colonies. Due to this decline, the state is currently at around seven percent of the number of honey bees and 37 percent of the number of colonies needed to optimally pollinate. In order to ensure the survival of colonies, beekeepers must monitor their colonies for pesticides, treat diseases, and use local, acclimated stock when an issue arises to breed for resistant bees.

*Senate Bill 337 / Niceley, Bowling, Crowe / Status: [PC 35](#) / Effective Date: Upon becoming law on March 30, 2017.*

***Private Property / No Trespassing*** -- State lawmakers voted this year to authorize property owners to replace no trespassing signs on their land with purple paint markings on trees. Under the new statute, a sign must be posted in a visible region on the property explaining the use of purple paint. The use of purple paint to signify no trespassing regions is used in many other states. It is also a favorable method considering the inexpensive cost and minimal damage to trees and other posts where signs would be placed.

*Senate Bill 1182 / by Niceley / Status: [PC 286](#) / Effective Date: July 1, 2017.*



**Property Rights / Eminent Domain --** Among property rights legislation passed this year is a bill that prohibits local government from condemning private land to be used for an industrial park and citing the justification for condemnation as being for public use unless certain circumstances are met.

*Senate Bill 1184 / by Niceley, Bowling, Gresham / Status: [PC 422](#) / Effective Date: Upon becoming law on May 18, 2017.*

**Wind Turbines --** Legislation was approved this year regarding wind turbines and their impact on Tennessee communities and surrounding property owners. It creates a moratorium on wind turbines until July 1, 2018, and forms a joint legislative study committee to evaluate and make recommendations to the General Assembly relative to their placement in the future. The six-member joint legislative study committee will report their findings by January 1, 2018.

*Senate Bill 1336 / by Bailey, McNally, Bowling / Status: [PC 368](#) / Effective Date: Upon becoming law on May 11, 2017.*

**Ocoee River --** Key legislation which builds a new infrastructure to help promote the recreational use of Tennessee's world famous Ocoee River has passed the 110th General Assembly. The measure supports a new direction in Ocoee River management, marked by updated interagency agreements and a commercial-use permitting program administered by Tennessee State Parks.

The Ocoee River, which is recognized by outdoor enthusiasts as one of the best whitewater rafting locations in the world, was the kayaking venue for the 1996 Summer Olympics based in Atlanta, Georgia. The whitewater industry generates about \$44 million in economic activity to the Southeast Tennessee area according to a study conducted by the University of Tennessee five years ago.

In 1983, Congress passed a law enabling a contract between the state of Tennessee and the Tennessee Valley Authority (TVA) to provide reliable recreational releases from the Ocoee #2 Power Project for 116 days per year. That contract is set to expire in March 2019, with the last recreational release occurring in October 2018.

This legislation gives the Tennessee Department of Environment and Conservation (TDEC) full regulatory authority over the Ocoee River Management Zone to encourage economic growth and to support recreational water releases. Presently, the Ocoee River Management Zone is owned by TVA and the U.S. Forest Service, with management provided by the TDEC through agreements with the agencies. This legislation creates the Ocoee River Recreation and Economic Development Fund (ORREDF). The fund will support management of the area by the Tennessee State Parks, with commercial outfitters paying a portion of the revenues generated to cover the state's expenses such as site maintenance, emergency response, law enforcement and traffic management. ORREDF will condense three existing fees owed by Polk County, TDEC, and the TVA into one management fee that will be paid into the trust fund created by the legislation, simplifying the business environment for rafting businesses.

The bill also establishes an 11-member ORREDF board made up of interested parties in Southeast Tennessee, as well as state government, to allocate money from the fund to reimburse TDEC for management, build new infrastructure and to promote the region.

*Senate Bill 466 / by Bell Gardenhire / Status: [PC 434](#) / Effective Date: Upon becoming law on May 17, 2017.*

**Game and Fish Laws --** The General Assembly passed a new statute this year that authorizes the Tennessee Fish and Wildlife Commission to set by rule or proclamation the size, type, placement, and inspection requirement on traps used for taking animals instead of rules being set by statute.

*Senate Bill 906 / By: Bell / Status: [PC 203](#) / Effective Date: July 1, 2017.*

## **BUSINESS / ECONOMY / LABOR**

On the economic development front, efforts during the 2017 legislative session focused on keeping Tennessee moving forward as the fastest growing state in the Southeast in job creation. Over the past several years, several job-killing regulations have been repealed, tort reform and worker's compensation have been overhauled, and the state has become a national leader in education and job training. Action taken this year enhances Tennessee's laws and regulatory environment, making it more attractive to businesses.

**BUDGET --** The 2017-2018 budget, through the IMPROVE (Improving, Manufacturing, Public Roads and Opportunities) Act / 2017 Tax Cut Act, provides \$113 million in Franchise and Excise (F&E) tax cuts. The cuts are available to over 500 manufacturers in Tennessee benefitting over 310,000 of their employees. Also conducive to job creation is the \$150 million in new, recurring revenue appropriated for improving Tennessee's roads, making them inviting to new industries looking to locate in the state. Other budget appropriations aiding economic development include \$21.7 million for rural development, \$10 million in grants to expand broadband services, \$60 million in Fast Track funds, and \$22.3 million in infrastructure grants.

**Taxpayer-friendly Reforms / F&E Taxes --** Legislation was approved during the 2017 session making three taxpayer-friendly reforms to Tennessee's Franchise and Excise (F&E) tax estimated requirements. It provides F&E taxpayers with the option of calculating their estimated payments based on an annualized method, taking into account realized revenue throughout a given tax year. It also extends the time period for the filing of F&E exemption applications to the 15th day of the fourth month following the close of the first tax year for which the exemption is claimed. In addition, it reduces the penalty for filing late F&E exemption applications from \$1,000 to \$200.

*Senate Bill 1207 / by Norris, Watson / Status: [PC 194](#) / Effective Date: Upon becoming law on April 19, 2017 and shall apply to tax years beginning on or after January 1, 2017.*

**Freedom to Prosper Act --** The "Freedom to Prosper Act" advanced through the General Assembly this year. This act prohibits local entities from imposing fees on occupations that go beyond the state's requirements, except those associated with first responders and emergency

service providers. The legislation follows the [Right to Earn a Living Act](#) which passed the General Assembly last year that compelled various licensing authorities to review their entry regulations in various occupations and report such to the Senate Government Operations Committee. Once reviewed, the committee can make recommendations to remove some of the unnecessary restrictions and demands.

*Senate Bill 473 / by Roberts / Status: [PC 332](#) / Effective Date: July 1, 2017.*

**Excessive Regulations / Shampooing** -- Similarly, a new law was passed that exempts those whose sole professional responsibility is that of shampooing hair from having to have a barber or cosmetology license. It is part of the effort to relieve the burden of excessive regulation on the right of an individual to pursue a chosen business or profession when it does not directly pertain to the health, safety, and welfare of the general public.

*Senate Bill 1194 / by Norris, Roberts, Bowling, Gresham, Kelsey, Stevens / [PC 227](#) / Effective Date: Upon becoming law on April 28, 2017.*

**Burdensome Business Restrictions** -- Another bill passed this year prevents any local government from establishing “predictive or restrictive scheduling” laws. This new law especially protects small business owners who often cannot anticipate their needs days in advance because staffing of projects must occur on short notice to meet the needs of their customers

*Senate Bill 262 / Johnson, Stevens / Status: [PC 107](#) / Effective Date: Upon becoming law on April 7, 2017.*

**Workers’ Compensation** -- Legislation was approved which primarily cleans up language from the major workers’ compensation reform law passed in 2013. This new law also establishes a penalty for entering false information on a construction service provider’s application to the Secretary of State Exemption registry and if an employer of a construction services provider fails to present proof of workers’ compensation insurance coverage. The penalty fee is limited to a maximum of \$500 for first time offenders. In addition, the legislation provides an educational benefit for injured employees who are not able to return to their pre-injury job. These individuals will be provided with a \$5,000 benefit for vocational training that is capped at \$20,000 per worker and \$500,000 in any year for the entire program.

*Senate Bill 1214 / by Norris, Johnson / Status: [PC 344](#) / Effective Date: Upon becoming law on May 9, 2017.*

**Guides to Practice / Professions** -- State legislators gave final approval to legislation that requires all professions which adopt guides to practice under Tennessee law, to promulgate rules subject to the state’s Uniform Administrative Procedures Act (UAPA). The action means that any rules or code of ethics developed or approved by a private organization or association must be adopted in accordance with the new statute.

Under the UAPA, a hearing on the rules to formally adopt a code of ethics is generally held by the department of state government which governs the profession. The rules draft is reviewed by the State Attorney General to determine its legality and constitutionality before moving forward

to a hearing by the legislature's Joint Committee on Government Operations where the public has an opportunity to comment.

*Senate Bill 449 / by Bell / Status: [PC 215](#) / Effective Date: Upon becoming law on April 28, 2017.*

## **GOVERNMENT OPERATIONS / ACCOUNTABILITY**

**BUDGET** -- The new 2017-2018 budget continues Tennessee's sound fiscal practices which are responsible for placing the state among the best managed states in the nation. It includes no new debt and sets the state's Rainy Day Fund, which acts as the state's saving account to weather or potential future downturns in the economy, at \$800 million. This is the largest level ever and is well on the way to a target of \$1 billion. It also recognizes \$127.8 million in reductions to the base budget, fully funds the Tennessee Consolidated Retirement System (TCRS) required contribution, as well as fully funding the state's Other Post-Employment Benefits (OPEB) for the first time.

**Government Accountability** -- The General Assembly approved legislation providing for additional accountability for state agencies. The new law assists the Comptroller's office in working with state agencies to achieve corrective actions, reduce audit findings and avoid repeat findings. This plan will address each audit finding and give an explanation of what the agency has done or will do to correct the finding, the persons responsible for correcting the finding, and a timeline for the corrections to be completed.

*Senate Bill 463 / by Bell, Gresham / Status: [PC 20](#) / Effective Date: Upon becoming law on March 24, 2017.*

**Taxpayer Money / Audit Findings** -- Legislation aiding taxpayers passed this year calling for a plan of action when a local government entity is audited and problems, or findings, are cited. The new statute adds to the Local Government Modernization Act of 2005 to require a local government receiving annual audit findings to submit its annual budget and a corrective action plan to the Comptroller of the Treasury. The corrective action plan must provide the name or names of the contact person or persons responsible for the corrective action, the corrective action taken or planned, and the anticipated completion date. If the local government does not agree with an audit finding, or believes corrective action is not required, the corrective action plan must state the reasons and justifications for disagreement or belief.

*Senate Bill 315 / by Gresham, Roberts / Status: [PC 383](#) / Effective Date: Upon becoming law on May 18, 2017.*

**Accountability / Federal Funds** -- A new law passed this year requires departments that receive federal financial assistance to report to the Department of Finance and Administration and the Comptroller any notices of non-compliance with federal rules, regulations, etc. This ensures notification due to the risk of losing future funding or possibly being forced to return federal dollars.

*Senate Bill 141 / Tracy / Status: [PC 79](#) / Effective Date: Upon becoming law on March 31, 2017.*

***Tennessee Public Utility Commission*** -- The General Assembly voted this year to change the name of the Tennessee Regulatory Authority (TRA) to the Tennessee Public Utility Commission. The TRA is charged with the responsibility of setting the rates and service standards of privately owned telephone, natural gas, electric, and water utilities. The new law also redesignates the current TRA directors as Public Utility Commission commissioners, a move that will put Tennessee in line with similar regulatory agencies throughout the nation.

*Senate Bill 747 / by Johnson, Kyle / PC 94 / Effective Date: Upon becoming law on April 4, 2017.*

***State Parks / Personal Information of Guests*** -- The State Senate and House of Representatives have approved a new statute to protect the personal information of Tennessee tourists who visit state parks. Presently, Tennessee state parks must disclose personal information of its guests when it receives a public records request because there is no exemption protecting this information. This legislation promotes privacy and security for all state park guests by creating an exemption to the current public records requirement, putting them on equal footing with the private sector regarding the privacy of personal information of guests.

*Senate Bill 1200 / by Norris, Niceley / Status: PC 125 / Effective Date: April 12, 2017.*

***Welfare / Fraud*** -- Legislation designed to combat welfare fraud in Tennessee received final approval. The Program Integrity Act of 2017 requires agencies within state government to communicate with each other to identify people who are receiving benefits for which they are not eligible.

The law creates a new system of enhanced verification in Tennessee, requiring the Department of Human Services (DHS) to conduct quarterly data matches against information databases to help eliminate fraudulent payments that are being made. It also authorizes DHS to join a multistate cooperative for identifying individuals who currently receive Tennessee benefits but who live in other states. In addition, the Bureau of TennCare is required to verify wage and income information, immigration status, and vital records information for each applicant or enrollee once their new automated electronic eligibility system is operational. The state has been continuing development of the Tennessee Eligibility Determination System (TEDS) to help detect those who misuse the welfare system.

The legislation also requires the Tennessee Education Lottery Corporation to make a monthly report to DHS of all individuals who collect a prize of more than \$5,000 to ensure that those who exceed income requirements do not continue to collect taxpayer-supported payments. Studies estimate Tennessee loses approximately \$123 million per year in fraudulent payments to people who are not qualified to receive benefits.

*Senate Bill 365 / by Roberts, Stevens, Bailey, Haile / Status: PC 191 / Effective Date: December 1, 2017.*

***TennCare / Fraud*** -- A new law has passed providing that enforcement officers who have successfully completed a specific training course are authorized to make arrest for offenses involving criminal fraud and abuse of the TennCare program and any other violations in state criminal law relating to TennCare.

Senate Bill 188 / By: Overbey, Jackson, Yager / Status: [PC 244](#) / Effective Date: Upon becoming law on May 2, 2017.

**Annexation** -- Legislation allowing for consensual non-contiguous annexation has passed. The new law applies when both parties mutually agree on the annexation of property in writing.

Senate Bill 568 / By: Johnson / Status: [PC 399](#) / Effective Date: Upon becoming law on May 18, 2017.

## **STATE EMPLOYEES**

**BUDGET** -- The state budget provides a salary policy pool of three percent and one percent for Tennessee Excellence, Accountability and Management (TEAM) Act Agencies; three percent for non-TEAM Act Agencies. For K-12, the budget provides a four percent increase to the Basic Education Program (BEP) salary component. The budget continues to actuarially fund the state's retirement program and continues the \$50 match for the 401(k) program on a recurring basis.

**State Employees / Outsourcing** -- Legislation has passed that makes changes to the 2012 TEAM Act. The new law sets forth rights that any individual would expect in their chosen career by adding transparency to the hiring process, especially for veterans. It requires the Tennessee Department of Human Services to be included in all staffing matters pertaining to outsourcing or reduction in force or hours. It also requires the chairmen of the Senate State and Local and the House State Government Committees be notified when a reduction in force takes place. In addition, it requires the charging letter to include the specifics of an employee's termination and makes null and void any discipline record of an employee after two years if no other discipline had been taken against the employee.

This legislation authorizes the commissioner to provide input on all contracts with the private sector involving positions of basic clerical, unskilled or semiskilled labor, or domestic, attendant, or custodial work. In addition, the commissioner may be involved in communications with employees whose jobs may be terminated as a result of a contract with a private party.

Senate Bill 1390 / by Hensley, Bowling, Bailey, Massey, Yager / Status: [PC 469](#) / Effective Date: July 1, 2017.

**Hybrid Pension Plan / State Employees and Teachers** -- Finally, as Tennessee's pension plan for state employees and teachers moves up the ranks from fifth best to fourth in the nation, the 110th General Assembly continued this year to push efforts to improve the state's ranking. The legislation passed this year moves the stabilization reserve account, currently part of the state hybrid pension plan, into a separate trust that would maximize investments and returns. The new law creates the State Employee Legacy Stabilization Trust Fund for the purpose of protecting the participants and beneficiaries of the hybrid retirement plan from a reduction or loss of benefits with the implementation of cost controls contained in present law. The Legacy Pension Stabilization Reserve Fund will be established and funded through appropriations made in the General Appropriations Act from time to time for such purpose.



*Senate Bill 1000 / by Watson, Stevens / Status: [PC 374](#) / Effective Date: Upon becoming law on May 11, 2017.*

## **CAMPAIGN / ELECTIONS / LEGISLATIVE DISCLOSURES**

***Campaign Financial Disclosures / Audits*** -- The 2017 legislative session saw the passage of legislation which doubles the number of random audits conducted by the Tennessee Registry of Election Finance. The Registry was created by the General Assembly in 1989 as an independent entity of state government. The agency is responsible for the enforcement of the state's Campaign Financial Disclosure Act and the Campaign Contribution Limits Act. The measure requires the Registry to increase the number of audits and field investigations of candidates and their committees from two to four percent.

*Senate Bill 580 / by Gresham / Status: [PC 479](#) / Effective Date: Upon becoming law on June 6, 2017.*

***Legislative Ethics / Travel*** -- A bill was approved this session requiring members of the General Assembly to disclose certain travel expenses paid for by individuals seeking to inform or advise the lawmaker on state public policy issues. The measure ensures transparency if a legislator travels at the expense of an individual or organization seeking to influence public policy.

*Senate Bill 327 / by Overbey, Yarbro, Roberts, Briggs, Yager / Status: [PC 470](#) / Effective Date: May 30, 2017.*

***Campaign Finance*** -- Legislation passed this year requiring that campaign funds be deposited into a traditional bank or credit union insured by the FDIC. Current law allows campaign funds to be invested in a private or publicly traded company, causing ethics concerns and a gap in transparency in the state's campaign finance laws. Under the new law, any investment not authorized would be prohibited, and the candidate, or in the case of a multicandidate political campaign committee, the treasurer, would be subject to a civil penalty by the Registry of Election Finance of not more than \$10,000 or 115 percent of the amount invested.

*Senate Bill 377 / by Overbey, Kelsey, Yarbro, Yager / [PC 109](#) / Effective Date: July 1, 2017.*

***Election Ballot*** -- The legislature has approved a new law making it easier for voters to locate local election candidates on the ballot in the midst of a presidential primary year. The new statute calls for reordering the ballot to allow candidates for state, municipal and county election to immediately follow the names of the presidential candidates. The names of presidential primary delegates will then follow. The measure also increases the number of vertical columns for each respective party's primary election on the ballot from two to three to help ease a voter's search. The legislation comes after a long list of delegates were listed on the 2016 presidential primary ballot, which was confusing to some voters wanting to access local election races.

*Senate Bill 47 / Massey / Status: [PC 1](#) / Effective Date: July 1, 2017.*

***Election Laws / Volunteers*** -- Finally, state lawmakers voted to allow election workers to volunteer their time at polling places without receiving compensation. This was brought forward after students participating in the Tennessee Promise sought out opportunities to fulfill required volunteer hours through the election commission.

*Senate Bill 228 / by Beavers, Yager / Status: [PC 15](#) / Effective Date: Upon becoming law on March 24, 2017.*

## **SECOND AMENDMENT RIGHTS**

***Handgun Permit Holders*** -- Legislation passed this year that protects law-abiding citizens who carry handgun permits in accordance with the state's firearm preemption law by keeping local government entities from prohibiting or restricting firearms on local government property unless certain security conditions are met. It also creates a private cause of action for a party that is adversely affected by a local ordinance, resolution, policy, rule, or other enactments on firearms preempted by state law.

*Senate Bill 445 / by Stevens, Bailey, Bowling / Status: [PC 467](#) / Effective Date: July 1, 2017.*

***(REPEAT FROM CRIME) Temporary Handgun Carry Permits / Order of Protection*** -- Final legislative approval was given to a new law allowing persons who have been granted an Order of Protection to immediately carry a handgun as long as they possess a copy of the order with them. It provides victims with the ability to protect themselves immediately as the process for obtaining a handgun permit can take weeks or months to obtain. The person would have 21 days to receive a temporary handgun permit in order to carry the weapon for an additional 60 days. This allows the victim time to complete the Tennessee handgun carry permit process if desired.

*Senate Bill 983 / by Gresham, Stevens, Bowling, Massey / Status: [PC 468](#) / Effective Date: May 26, 2017.*

***Clarifying Tennessee's Handgun Permit Law*** -- Legislation has been signed into law that clarifies prohibition under Tennessee's handgun carry permit law means when students are present and that an activity is a school-sanctioned event.

*Senate Bill 1077 / by Lundberg, Jackson / Status: [PC 341](#) / Effective Date: Upon becoming law on May 9, 2017.*

***Firearms Dealer / Private Collection*** -- The General Assembly approved legislation that treats a licensed firearms dealer the same as a private citizen by allowing them to occasionally sell, exchange, or transfer firearms from their personal collection without requiring a background check on the buyer. It clarifies present law that background check requirements do not apply to the occasional sale of a used or second-hand firearm by a person who is not engaged in the business of importing, manufacturing, or dealing in firearms.

*Senate Bill 145 / Beavers, Bailey, Bowling / Status: [PC 185](#) / Effective Date: Upon becoming law on April 19, 2017*

***(REPEAT FROM VETERANS) Handgun Training / Military Personnel*** -- A new law passed during the 2017 legislative session that exempts active-duty military service members and veterans who have specialties as military police, special operations, or Special Forces from handgun carry permit firing range requirements. The specialties include military police, special operations, and Special Forces due to the intensive firearms training that is required of these soldiers.

Senate Bill 24 / by Green, Tracy, Overbey, Bowling, Lundberg, Gresham, Roberts, Watson, Jackson / Status: [PC 159](#) / Status: Upon becoming law on April 24, 2017.

**Castle Doctrine / Boat** -- Lawmakers approved a bill which expands Tennessee's Castle Doctrine to include boats. The Castle Doctrine is a legal doctrine that designates a person's home as a place in which that person has protections and immunities, permitting him or her, in certain circumstances, to use force to protect themselves. Tennessee has already expanded the Castle Doctrine to a person's occupied vehicle. This new law simply expands the Castle Doctrine to a person's boat.

Senate Bill 1339 / by Bailey / [PC 202](#) / Effective Date: July 1, 2017.

## **OTHER**

**Tennessee Statutes / Interpretation of Words** -- Legislation passed this year that states undefined words shall be given their natural and ordinary meaning under Tennessee law, without forced or subtle construction that would limit or extend the meaning of the language, except when a contrary intention is clearly manifest.

Senate Bill 1085, by Stevens, Bailey, Bowling, Hensley / Status: [PC 302](#) / Effective Date: Upon becoming law on May 5, 2017.

**Abortion / Tennessee Infants Protection Act** -- A new law approved during the 2017 legislative session enacts the "Tennessee Infants Protection Act." This legislation calls for a doctor to test viability before an abortion when the woman is at least 20 weeks past the gestational age, and there will be a rebuttable presumption that an unborn child of at least 24 weeks is viable. The measure provides health exceptions in the cases for abortions to be performed after the 20-week time frame, including those in which the mother is in imminent danger of death or if there is a serious risk of substantial and irreversible impairment of a major bodily function.

Senate Bill 1180 / by Hensley, Gresham, Beavers, Bailey, Bowling, Jackson / Status: [PC 353](#) / Effective Date: July 1, 2017.

**Domestic Animals** -- The 2017 legislative session saw passage of a new law that requires entities offering animal shelter services to make reasonable efforts if an animal has any identification or a microchip to locate the owner. The legislation calls for notifying the animal's owner within 48 hours of custody, or two business days, before euthanizing them.

Senate Bill 989 / by Niceley, Briggs / Status: [PC 206](#) / Effective Date: Upon becoming law on April 27, 2017.

**Visually Impaired / Safety in Public Buildings** -- A new law has passed that helps visually impaired persons to safely navigate steps at public buildings in Tennessee. It requires that the steps to a public entrance of buildings constructed, purchased or leased by state and local governments on or after July 1, 2017 be marked to make them more easily identifiable.

Senate Bill 1079 / by Lundberg, Yager / Status: [PC 491](#) / Effective Date July 1, 2017.

***Athletic Teams / Visiting Physicians*** -- State lawmakers voted to approve the Visiting Sports Team Act which defines certain conditions in which medical staff of out-of-state athletic teams can perform their duties without being in conflict with Tennessee law. Presently, out-of-state athletic team physicians cannot treat players and others because they lack a Tennessee license. The legislation states that any visiting team physician must be licensed in their home state and have an agreement with a sports team to provide care while traveling in Tennessee. This enables the visiting team physician to administer sideline evaluation, triage, and diagnostic services. The physician, however, must refer to a Tennessee licensed physician if an athlete needs to be transported to a health care facility. The visiting physician will not be able to practice at a health care clinic or health care facility, including an acute care facility in the visiting state.

*Senate Bill 413 / by Tracy / Status: [PC 329](#) / Effective Date: For rulemaking purpose, upon becoming law on May 9, 2017, for all other purposes it takes effect on January 1, 2018.*

***Internet Sales Tax Rule*** -- As part of the Omnibus Rules bill, legislation was passed this year that puts the collection of Internet sales tax on hold, but leaves the rule in place so the state can continue to have standing in court. When the Internet sales tax issue is finally settled by the courts, then the rule will come back to the General Assembly, beginning with the Government Operations Committee's Uniform Administrative Procedures Act (UAPA) process. That process would be followed by consideration by the full House of Representatives and Senate in a future Omnibus Rules bill, dependent on when the courts finally settle the issue.

*Senate Bill 53 / by Bell / Status: [PC 452](#) / Effective Date: May 25, 2017.*

***Flashing Lights on Front of Vehicles*** -- Legislation was approved this year that prohibits steady-burning and flashing lights on the front of vehicles in any color other than white, amber, or any combination of colors or any combination of colors other than white and amber. The exception is those used by highway maintenance, school buses, law enforcement, emergency personnel, and other such government issued vehicles.

*Senate Bill 194 / by Overbey, Haile / Status: [PC 378](#) / Effective Date: January 1, 2018.*

***Memphis Belle / Official State Airplane*** -- A new law naming the Memphis Belle as the Tennessee's official state airplane was approved this year. Passage of the legislation comes as preparations are being made for a week-long "roll-out" ceremony in May 2018 -- the 75th anniversary of the Belle's twenty-fifth mission over Nazi-occupied Europe.

*Senate Bill 1263 / by Norris, Green, Gresham, Harris, Kelsey / Status: [PC 33](#) / Effective Date: Upon becoming law on March 29, 2017.*

***Tennessee Freedom of Speech Act*** -- Legislation was approved during the first session of the 110<sup>th</sup> General Assembly that protects freedom of speech by prohibiting homeowner's associations (HOAs) from restricting the display of political signs on private property. The new law allows them to adopt reasonable covenants and restrictions with respect to the placement of signs on common space and private property maintained by the owner or resident. This includes

limiting the size of the sign to four square feet. These provisions do not affect any HOA covenants or restrictions that are currently in place.

*Senate Bill 1089 / by Ketron, Harris / Status: [PC 294](#) / Effective Date: July 1, 2017.*

***States / Policies Differences and Travel Bans*** -- A resolution, which points out the absurdity of California's ban on state-funded and state-sponsored travel based on a policy difference with Tennessee, met with legislative approval this year. After passage of [Assembly Bill 1887](#) last summer, the State of California's Department of Justice issued a travel ban based on Tennessee's passage of [Public Chapter 926](#). That law protected the rights of counselors to refer a client to another therapist when the goals, outcomes, or behaviors for which they are seeking counseling are a violation of his or her sincerely held beliefs.

The ban applies to California's state agencies, departments, boards, authorities, and commissions, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, and the California State University. California's travel ban also applies to North Carolina, Mississippi and Kansas based on other policy differences. The resolution adopted in Tennessee this year points out that travel bans based on policy differences can lead to economic warfare and are counterproductive to the common objectives that all states have. It also points out that the Tenth Amendment grants states sovereignty in addressing issues solely within their jurisdiction.

*Senate Joint Resolution 111 / by Bell, Hensley, Ketron, Green, Beavers, Johnson, Niceley, Southerland, Jackson, Bowling, Gardenhire, Gresham, Stevens, Bailey / Status: Signed by Gov. on May 4, 2017.*

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