

State of Tennessee

Senate Republican Caucus



July 1, 2020 Enactments – Key Bills

FROM 2019 SESSION

GIVE ACT / Vocational Education -- The General Assembly acted in 2019 to establish the Governor’s Investment in Vocational Education (GIVE) Act to develop work-based learning and apprenticeship opportunities through regional partnerships. The purpose of the new law is to increase the number of young adults in Tennessee earning an industry certification and entering a career within one year of high school graduation. It provides funding for high school juniors and seniors to utilize four fully-funded dual enrollment credits for high-skill, high-demand, career-focused programs from community colleges and Tennessee Colleges of Applied Technology (TCAT).

Under the new statute, a student’s acceptance of a GIVE Dual Enrollment grant would not take away from his or her eligibility for the HOPE Scholarship or TN Promise. Funding for GIVE Dual Enrollment grants is through excess lottery funds after HOPE, Promise, and Reconnect are all fully funded.

Since 2005, Tennessee has provided lottery funds for higher education coursework while students are still in high school. The current dual enrollment program provides full funding for two college courses and a portion of a third. The GIVE Dual Enrollment Grant will provide additional money to fully fund the third and fourth courses for students dual-enrolled in a TCAT or Community College teaching a high-skill, high-demand trade, as determined by the Tennessee Student Assistance Corporation (TSAC) Board of Directors.

In 2018, over 28,000 students received a total of \$21.5 million in lottery funding for dual enrollment.

[*Senate Bill 805*](#) by Johnson, Yager, Akbari, Bowling, Crowe, Gilmore, Gresham, Haile, Hensley, Jackson, Kurita, Massey, Niceley, Pody, Roberts, Rose, Southerland, Stevens, White / Status: [*Public Chapter 203*](#) / Effective Date: July 1, 2020

Dynamic Accessibility Act -- The General Assembly approved the “Dynamic Accessibility Act” in 2019 that brings the language and symbols for people with disabilities into the 21st century to

focus on ability rather than disability. The act directs the Department of General Services to create rules to designate a symbol depicting a logo with a dynamic character leaning forward with a sense of movement, replacing the static image with a more stylized symbol.

The new symbol will be accompanied by the word “accessible” to designate points of access for persons with disabilities, replacing the term “handicapped” which translates to cap and hand signifying a beggar. The symbol will be used for state buildings or property constructed or renovated on or after July 1, 2020. The legislation also directs the Department of Revenue to create rules designating the new dynamic symbol for the issuance of all new registrations, placards, decals, and license plates starting after July 1, 2020.

[Senate Bill 46](#) by Massey, White, Kyle, Yarbrow / Status: [Public Chapter 112](#) / Effective Date: Upon becoming law on April 9, 2019 for rules, otherwise it is effective July 1, 2020 (A DRAWING OF THE SYMBOL IS IN THE PUBLIC CHAPTER)

FROM 2020 SESSION

Budget / Appropriations Bill – [Senate Bill 2931](#) by Johnson, Stevens / Takes effect July 1, 2020 provided, however, that any provision of this act which authorizes prior or immediate expenditures and any section or item which specifies an immediate effective date shall take effect upon becoming a law, the public welfare requiring it.

New law encourages lower health care costs through Association Health Plans – Legislation which aims to lower premiums and overall health care costs for small businesses through Association Health Plans (AHP) was approved this year. The new law aligns Tennessee’s AHP laws with new federal rules put into place by President Trump’s administration to help small businesses purchase affordable, high quality health insurance as a result of increased flexibility.

AHPs allow small businesses and entrepreneurs to band together with other businesses to purchase insurance with the bargaining power of a big company. The plans are similar to comprehensive large group or self-insured insurance policies offered by most large employers, covering the same types of treatments and procedures.

Since 2003, average family premiums for Tennessee small employers have increased over 75 percent, while at the same time deductibles have spiked. As a result, almost 30,000 fewer workers at small businesses have private insurance coverage due to the decreased affordability.

[Senate Bill 645](#) by Roberts, Rose, Stevens / [Public Chapter 515](#) / Effective Date: July 1, 2020

Legislation expands Health Care Empowerment Act to all medical professionals -- State lawmakers voted this year to expand Tennessee’s Health Care Empowerment Act to allow all licensed medical professionals, instead of only physicians, to use direct medical care agreements without regulation by the insurance laws of this state. It seeks to increase access to care and empower patients regarding their healthcare decisions.

The [Health Care Empowerment Act](#) is designed to give healthcare consumers who are struggling to pay the increasing costs of premiums or who have been priced out of the market, an affordable option to contract directly with their physician for health care services. The new law holds that a

person seeking medical care outside of an insurance plan, TennCare or Medicare programs and chooses to pay out of pocket, does not forfeit their coverage plan.

[Senate Bill 2317](#) by Roberts, Reeves, Stevens / Signed by Governor 6/22 / Effective Date: July 1, 2020

Tennessee Rare Disease Advisory Council will advise government entities on complexities of treating rare diseases — The Tennessee Rare Disease Advisory Council will be established under a new 2020 law. The council provides a skilled cohort of rare disease specialists from Tennessee's leading clinical and academic institutions to advise government entities about the complexities of treating rare diseases and the most efficient and effective treatments. They will make treatment recommendations to advise TennCare and other public and private agencies providing services for persons diagnosed with chronic, complex, and rare diseases like hemophilia, Crohn's disease, multiple sclerosis, Lou Gehrig's disease and cystic fibrosis.

Tennessee observed Rare Disease Day on the last day of February. The main objective is to raise awareness among the general public and decision makers about rare diseases and their impact on patients' lives.

[Senate Bill 2124](#) by Reeves, Yarbro, Crowe / [Public Chapter 645](#) / Effective Date: For the purpose of appointing members to the advisory council, this act shall take effect upon becoming a law. For all other purposes July 1, 2020

Legislation seeking to expand access to dental care advances – A bill to help nonprofit dental clinics provide free care to more Tennesseans in need passed during the 2020 legislative session. It expands the maximum number of dental hygienists a dentist can oversee at a nonprofit provider of free mobile clinics from three to ten. This will allow organizations, like Mission of Mercy and Remote Area Medical Clinics which provide free dental services from volunteer dentists and hygienists, to take care of as many people as possible. Across the state these clinics have had to turn away volunteer dental hygienists because they do not have enough dentists to oversee them.

[Senate Bill 2017](#) by Massey, Crowe, Jackson, Yarbro / Signed by Governor 6/22 / Effective Date: July 1, 2020

General Assembly votes to continue funds to support hospitals, nursing homes, ambulance services – State lawmakers approved three bills before the March recess critical to the operations of Tennessee's hospitals, nursing homes and ambulance services by extending assessments used to draw down federal matching funds. This includes the Tennessee Hospital Assessment Act, which raises \$600 million in state funds. The action allows Tennessee to receive \$1.1 billion in federal matching funds, for a total of \$1.7 billion for the state's TennCare program.

The assessment, which has been in effect since 2010, provides hospitals a portion of their unreimbursed TennCare costs. In addition to the reduction in payments to hospitals and health professionals, a few examples of programs that would be affected without the assessment are: critical access hospitals; the Graduate Medical Education program, x-rays, physician office procedures, various therapies, and the enrollment cap for the medically needy.

[Senate Bill 2022](#) by Haile, Watson / [Public Chapter 642](#) / Effective Date: SECTION 1(the bulk of the bill) takes effect July 1, 2020

Similarly, legislation that provides funds essential for operating nursing homes in Tennessee was adopted. The measure raises funds allocated to the Nursing Home Assessment Trust Fund by \$134.6 million, allowing Tennessee to draw down \$259.8 million in needed federal matching funds.

[Senate Bill 2123](#) by Reeves, Crowe / [Public Chapter 644](#) / Effective Date: July 1, 2020

New law seeks to address shortage of teachers -- A new law has passed to help Local Education Agencies (LEAs) fund a “Grow Your Own” scholarship program. The program helps train high school students and non-teaching staff to become certified teachers in a three-year program at a higher education institution.

The Grow Your Own Program has been implemented in Clarksville Montgomery County Schools in partnership with Austin Peay State University and has proven to be an effective pipeline for LEAs to fill open teaching positions. Last year, there were 1,123 teacher vacancies reported in Tennessee, leaving over 20,000 students without a certified teacher.

The new statute authorizes the commissioner of education to grant a waiver to a requesting LEA exempting them the average class size standards to assist the LEA in funding a Grow Your Own Program. By increasing the class size across the district by one or two students, districts can significantly reduce the number of teaching positions and use those savings to develop their own teachers.

[Senate Bill 1790](#) by Powers, Rose / [Public Chapter 587](#) / Effective Date: July 1, 2020

New law helps ensure license revocation for teachers convicted of certain crimes -- The 111th General Assembly approved legislation clarifying that licensed teachers convicted of certain crimes against children will have their license revoked by the State Board of Education. The criminal offenses that apply, after the teacher has exhausted or waived due process rights, include communicating a threat concerning a school employee, arson, aggravated arson, burglary, child abuse, child neglect, child endangerment, aggravated child abuse, aggravated child neglect, aggravated child endangerment, providing handguns to juveniles, sexual offenses, and violent sexual offenses. In addition, it includes teachers or administrators whose name is placed on the state’s Vulnerable Persons Registry or the state’s Sex Offender Registry, or those identified by the Department of Children’s Services as having committed child abuse, severe child abuse, child sexual abuse, or child neglect.

[Senate Bill 2262](#) by Gresham, Haile, Lundberg, Hensley, Dickerson, White, Stevens / [Public Chapter 629](#) / Effective Date: July 1, 2020

New laws strengthen penalties against child sex offenders – Legislation was passed this year strengthening Tennessee’s statutes against the “worst of the worst” child sex offenders. Currently, sex offenders can be charged with aggravated rape of a child if their victim is zero to three years old. Beginning July 1, the new law raises that age range to zero to eight years old.

Under [legislation](#) passed by the General Assembly in 2019, aggravated rape of a child is a Class A felony offense which is automatically punishable by life imprisonment without the possibility

of parole. Increasing the age range from zero to three to zero to eight, will help to ensure more of these offenders are taken off the streets.

[Senate Bill 1800](#) by White, Robinson, Rose / [Public Chapter 588](#) / Effective Date: July 1, 2020

Legislation bans convicted animal abusers from owning pets in certain cases — Final approval was given to legislation banning some convicted animal abusers from ever owning any pets again. The new law prohibits individuals convicted of some of the worst offenses against animals from owning companion animals for at least two years from the date of conviction and may impose a lifetime prohibition. Upon a subsequent offense, the court shall prohibit the individual from having custody of any companion animal for the person's lifetime. The measure builds on a 2015 law that created the [Tennessee Animal Abuse Registry](#), the first ever animal abuse registry in the nation.

[Senate Bill 1747](#) by Lundberg, Dickerson, Powers, Yarbro / [Public Chapter 570](#) / Effective Date: July 1, 2020

New law cracks down on those who flee arrest – A new law passed this year cracking down on those who flee an arrest. The measure requires an offender evading arrest to pay restitution if he or she recklessly damages government property.

[Senate Bill 1635](#) by Massey / [Public Chapter 584](#) / Effective Date: July 1, 2020

Legislation clarifies organized crime retail law – A new law will go into effect July 1 clarifying Tennessee's organized retail crime statute. The legislation provides that the illegal purchase of merchandise or stored value cards may be made by physical or electronic means under Tennessee statutes to further curtail the crime. The measure seeks to cut off the flow of funds used in the purchase of illegal drugs through retail theft.

The offense of organized retail crime includes an individual that acts in concert with one or more individuals to commit theft of any merchandise with a value greater than \$1,000 aggregated over a 90 day period with the intent to fraudulently return the material to retail merchant.

Expert testimony taken in the General Assembly previously revealed that Tennessee was losing over \$14 million in sales tax dollars and retailers were losing over \$200 million each year related to return fraud. Nationwide, the loss was \$12-15 billion, with almost all being related to the illicit drug trade.

[Senate Bill 1943](#) by Briggs / [Public Chapter 620](#) / Effective Date: July 1, 2020

Tennessee to join Interstate Driver License Compact -- Tennessee is joining 42 other states in an interstate Driver License Compact under a new law which becomes effective July 1. The compact is used by states to exchange information regarding driver license revocations or suspensions due to major traffic violations by non-residents. The offenses are then forwarded to the home state where the person is licensed. The compact's theme is "one driver, one license, one record."

The measure requires the state to report convictions to an offender's home state when it involves manslaughter, negligent homicide, driving under the influence of drugs or alcohol, and failure to stop and render aid when a motor vehicle accident results in the death or serious injury of another. It also applies to offenders with felony convictions when a motor vehicle is used in the commission of a crime. The licensing authority in the compact's party state may not issue a license to an applicant if the individual has been suspended or revoked in a compact party state and the period of termination has not expired. After one year, the applicant can reapply for a driver's license, with the compact state's licensing authority. The applicant's eligibility for a license is determined through an investigation looking at whether or not it is safe to allow them to drive.

[Senate Bill 1643](#) by Massey / [Public Chapter 610](#) / Effective Date: July 1, 2020

State's "slow poke" law is extended under new law – Legislation was approved this year extending the state's "slow poke" law to divided highways with two or more lanes in each direction. Current law requires cars to stay out of the left lane of interstate highways with at least three lanes, except in the case of passing other vehicles or while the road is under construction or repair, with violators facing a \$50 fine. Many traffic safety experts believe that driving too slow in the passing lane is at least as dangerous as driving too fast, resulting in a number of highway accidents.

[Senate Bill 1497](#) by Bailey, Pody / [Public Chapter 598](#) / Effective Date: July 1, 2020

New law incentivizing development of brownfield sites in Tennessee to be effective on July 1 - Legislation incentivizing the development of brownfield sites in Tennessee was approved during the 2020 session of the General Assembly. The new law lowers eligibility requirements for brownfield sites that qualify for a franchise and excise tax credit. This action will help rural communities attract new industry and promote the expansion of existing companies. Brownfield sites are redeveloped land that may be tainted by hazardous materials, pollutants or contaminants. Currently, there are 2,012 brownfield sites across the state. Many properties in Tennessee, which were previously used as gas stations, drycleaners, factories or properties that could have contamination from unknown sources, qualify as brownfields. Cleaning up and reinvesting in these properties increases local tax bases, enables job growth and improves and protects the environment.

Current law provides a 50 percent franchise and excise tax credit on the purchase of brownfield sites for a qualified development project, but the high eligibility requirements to receive the tax credit have almost entirely prevented this incentive from being utilized. The legislation allows projects in Tier 3 and Tier 4, which are the state's at-risk rural counties, to more frequently utilize the tax credit. This would be done by lowering the required capital investment from \$25 million to \$5 million; raising the amount of the tax credit from 50 percent to 75 percent; removing the acreage requirement; and allowing the community to begin remediation and pass the credit along to a company later.

The larger "Tier 1 and Tier 2" counties can also benefit from eligibility adjustments by removing the acreage requirement and allowing the community to begin remediation. They can also pass the credit along to a company later. The law becomes effective July 1.

[Senate Bill 2158](#) by Johnson, Hensley, Yager / [Public Chapter 606](#) / Effective Date: July 1, 2020

Legislation updates and clarifies Tennessee’s Prompt Pay Act governing construction industry

-- Legislation updating and clarifying Tennessee’s Prompt Pay Act governing payments between contractors, subcontractors and lenders was approved during the 2020 session of the Tennessee General Assembly. It helps ensure fair procedures are in place for contractors and subcontractors to recover payment for work completed under a contract, including adequate timing, notice, and penalty provisions.

The legislation is the result of numerous negotiations between representatives in the construction and banking industries over the past two years.

The new law clarifies that all contractors may recover construction proceeds through an equitable action; sets interest rates for late payment in line with those applicable to the State of Tennessee purchases; and introduces a “stop work” notice procedure to allow contractors and subcontractors to stop work when they are not paid per the contract agreement. It also provides a “Demand for Reasonable Assurances” to ensure the owner has obtained sufficient funding to pay for all labor and materials on a project.

Finally, the legislation clarifies the construction statute of repose applies to litigation and arbitration and affirms that limitations of liability do not violate public policy.

[Senate Bill 2681](#) by Rose, Johnson / Signed by Governor 6/22 / Effective Date: July 1, 2020

Pilot program allows personal delivery devices on walkways — A bill allowing delivery robots

to operate at low speeds on sidewalks and crosswalks in a pilot program in Tennessee has been approved by the Tennessee General Assembly. The robots won’t be able to exceed 10 miles per hour and must be equipped with a braking system to come to a controlled stop. The robots have sensors that stop them when approaching a person, animal, or item. They would only operate in pedestrian areas and must be clearly marked, including contact information. The new law does not preempt local governments’ ability to regulate the personnel delivery devices if necessary for public safety.

[Senate Bill 2836](#) by Watson, Dickerson, Niceley, Swann, Gardenhire, Stevens / Signed by Governor 6/15 / July 1, 2020 / Effective Date: July 1, 2020

Consumer insurance protections become law—Legislation was adopted prohibiting a person

from creating false certificates of property or insurance documents which contain untrue or misleading information. The new law prohibits third parties from using certificates to alter insurance term policies. It addresses problems which have arisen of third-parties attempting to request and use certificates to expand or alter the terms of the underlying policy.

A certificate of insurance is an informational document that shows a good faith snapshot of a party’s coverage at a certain time. It is not the insurance policy and cannot alter or amend the underlying policy it represents. Clarifying that definition of insurance certificates and insurance policies will help curb third-party vendors from misleading consumers.

[Senate Bill 2849](#) by Bailey, Pody [Public Chapter 608](#) / Effective Date: For promulgating rules it takes effect upon becoming law on March 20, 2020. For all other purposes it takes effect July 1, 2020

Legislation ensures World War II Veterans can have their military service indicated on their driver's license -- Legislation was approved by the General Assembly to ensure that World War II veterans can have their military service indicated on their driver's license or photo identification card. Currently to receive the acknowledgement, veterans must provide a certified copy of their Department of Defense form 214 (DD 214) showing dates of service and that the applicant received an honorable discharge. This certification process, however, did not take into consideration World War II veterans whose service pre-dated implementation of the DD 214 paperwork.

Effective July 1, the new law corrects this error by allowing honorably discharged veterans whose service pre-dates the form to utilize an AGO Form 53-55 or NAVPERS 553 as documentation, continuing the state's long-held tradition of acknowledging and honoring our World War II veterans.

[Senate Bill 1613](#) by Haile, Yager, White, Crowe, Pody, Reeves, Rose / [Public Chapter 519](#) / Effective Date: July 1, 2020

New law expands emergency service tags to more professions — A new law passed this year which allows additional emergency service personnel to be issued special emergency license plates. The legislation expands the definition of emergency service squad to include emergency medical technicians, paramedic, emergency medical technician paramedics, and other emergency medical responders. It also includes physicians and nurses who accompany or attend a patient in an ambulance. Emergency responders seeking emergency tags are required to submit proof of their profession to their county clerk's office.

[Senate Bill 2766](#) by Bell / [Public Chapter 597](#) / Effective Date: July 1, 2020

New law extends where elected officials can carry handguns with a valid permit while in the discharge of officials duties – A measure to extend where local elected officials with valid handgun carry permits are allowed to carry a firearm in the discharge of their official duties was passed by the General Assembly. The new law allows any elected official of a county or municipality, not just a commissioner, to carry a firearm inside a building in which judicial proceedings are in progress, but not in the room where judicial proceedings are taking place. It also applies to county attorneys.

[Senate Bill 2066](#) / Lundberg / Signed by Governor 6/15 / Effective Date: July 1, 2020

OTHER NEW LAWS SET TO BECOME EFFECTIVE JULY 1 (AS DESCRIBED IN THE CAPTION) ARE:

- [Public Chapter 385](#): adds William R. Moore College of Technology as an eligible institution for receipt of the Tennessee promise scholarship. (by Jackson, Rose)

- [Public Chapter 463](#): declares the legislative intent that the dual enrollment grant be fully funded before any funds in the lottery for education account are transferred to the Tennessee Promise scholarship endowment fund (*by Hensley*)
- [Public Chapter 482](#): increases from one to two the number of additional dual enrollment courses a student may take under a dual enrollment grant under certain circumstances; allows an eligible student to receive a dual enrollment grant for no more than 10 courses. (*by Yarbrow, Robinson, Gilmore, Akbari, Haile, Bowling*)
- [Public Chapter 528](#): revises provisions governing the notice required for termination of a residential tenancy in certain situations involving an unauthorized subtenant or other unauthorized occupant. (*by Haile, Pody*)
- [Public Chapter 660](#): authorizes various new special license plates and grants additional time for certain plates to meet the minimum order requirement. (*by Massey*)
- [Public Chapter 571](#): authorizes issuance of special purpose boat dealer plates to manufacturers and dealers who hire operators of boat trailers to transport boats to customers. (*by Lundberg*)
- [Public Chapter 590](#): deletes restrictions regarding the compensation for members of the utility district board of commissioners in Blount County (*by Swann*)
- [Public chapter 578](#): authorizes the department to contract with any licensed community mental health agency for the provision of services under the behavioral health safety net, as long as the community mental health agency can provide to individuals who will be served under the behavioral health safety net all of the behavioral health services that are included within adult behavioral health services for the seriously and persistently mentally ill, as defined in the Medical Assistance Act of 1968. (*by Bowling*)
- [Public Chapter 579](#): changes the requirements for persons who have an ownership interest in an appraisal management company in order for the company to be registered; removes the current exception to an appraisal management company otherwise being prohibited from removing an appraiser from its appraiser panel or refusing to assign requests for real estate appraisal services to an appraiser without meeting certain requirements. (*by Johnson, Southerland*)
- [Public Chapter 580](#): changes the fingerprint requirement for contract security company licensee applicants and security guard/officer applicants from three sets of classifiable fingerprints to one set of classifiable electronic fingerprints; reduces from three to one the number of photographs a security guard/officer applicant must submit; and makes certain other changes to the Private Protective Services Licensing and Regulatory Act. (*by Johnson, Lundberg*)
- [Public Chapter 623](#): reclassifies from preferred service position to executive service position an employee of the department who is a psychiatric hospital assistant superintendent, psychiatric hospital administrator, or psychiatric hospital nurse executive. (*by Johnson, Jackson*)

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