

2017 TnPRIMA Legislative Update

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Alcohol

- **Chapter No. 357 (HB0757/SB1375). Background checks required with certificates of compliance.** Amends T.C.A. §§ 57-3-208 and 57-3-806 by requiring each applicant or officer identified in an application for a package store license or a retail food store wine license to submit with the certificate of compliance, a local and national criminal history record obtained from a third party using a multistate criminal records locator or other similar commercial nationwide database with validation. Provides that such a criminal history that shows that the officer or applicant has not been convicted of a felony in the immediately preceding 10 years is satisfactory proof of compliance with the requirement related to criminal history for the certificate of compliance.

Effective July 1, 2017.

Authorities, Boards and Commissions

- **Chapter No. 126 (HB0520/SB0710). Authority of libraries amended.** Amends T.C.A. § 10-3-101 by granting the legislative body of a municipality the authority to establish and maintain free public libraries or give support to any free public library or contract with another library for services for the residents of the municipality or enter into a contract agreement with one or more municipalities or counties for the joint operation of a free public library. Requires a municipality that establishes a free library on its own to also establish a library board of 7, 9 or 11 members. Also amends T.C.A. § 10-3-106 by providing that all municipal tax funds for libraries, raised by bonds or taxation, are to be held by the municipal treasurer separate from other funds. **Requires all library accounts to be audited annually.** Provides that the title of all property acquired by the library board shall be in the name of the municipality for the use and benefit of the public library and the proceeds of all activities conducted by the library board or the disposition of any assets is to be done in the name of the municipality for the use and benefit of the public library. Also provides parameters for membership on regional library boards. **Also amends T.C.A. § 40-39-216 by granting library boards the authority to reasonably restrict access of any person listed on the sexual offender registry based upon specific factors enumerated in the bill.**

Effective July 1, 2017.

Codes Enforcement

- **Chapter No. 168 (HB0472/SB0509). Residential rental inspections authorized.** Amends T.C.A. § 13-21-314 by authorizing the City of East Ridge to conduct residential rental inspections on residential rentals that are either deteriorated or in the process of deteriorating, for compliance with applicable local housing, building, plumbing, electrical, fire, health or related codes and to promote the health, safety and welfare of its citizens.

Effective April 24, 2017.

Crimes and Criminal Procedure

- **Chapter No. 124 (HB0173/SB0894). Preemption of local regulations related to sanctions for possession of drugs.** Amends T.C.A. § 39-17-401 by providing that the State preempts the entire field of determining the appropriate sanction for conduct involving drugs. Also provides that any ordinance or resolution adopted prior to the effective date of this provision that regulates drugs and is inconsistent with State law, is suspended and repealed. Also provides that any policy, guideline or practice that regulates the enforcement of conduct covered by this provision that is inconsistent with State law is void.

Effective April 12, 2017.

Crimes and Criminal Procedure

- **Chapter No. 304 (HB0039/SB0134). Provisions related to administering blood and alcohol test amended.** Amends T.C.A. § 55-10-406 by authorizing a law enforcement officer to request that an individual operating a motor vehicle consent to a blood, breath or both tests when the officer has probable cause to believe that the individual operating the vehicle is driving under the influence of any intoxicant, drug, controlled substance or has committed a vehicular offense as a result of being under the influence. Provides that a breath test may be administered when the operator gives implied consent, express consent, pursuant to a search warrant, incident to a lawful arrest for certain offense or when a breath test is required to be administered pursuant to the law. Provides that a blood test may be administered with consent, after a waiver has been executed, pursuant to a search warrant or without the consent of the operator, on a case by case basis, when 1 or more recognized exigent circumstances to the search warrant requirement exists. Prohibits a driver that is unconscious or unable to refuse consent to be administered a blood test, unless the officer has obtained a search warrant or 1 or more of the recognized exigent circumstance exceptions to a search warrant apply.

Effective July 1, 2017.

Education

- **Chapter No. 22 (HB0388/SB0598). Providing information about influenza disease and the effectiveness of vaccination against influenza.** Amends T.C.A. § 49-6-5005 by requiring each LEA to provide parents and guardians with information about influenza and the effectiveness of vaccination against influenza at the beginning of every school year. The information must include the causes, symptoms and means by which influenza is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Requires the Department of Education, in consultation with the Department of Health, to provide information to LEAs to assist in the implementation of this provision.

Effective July 1, 2017.

Education

- **Chapter No. 84 (HB0121/SB0117). Administration of medication during adrenal crisis.**
Amends Tennessee Code Annotated, Title 49, Chapter 50, Part 16 by requiring each LEA to adopt policies and procedures that provide for the administration of medications that treat adrenal insufficiency. Requires the policies and procedures adopted by the LEA to be consistent with the rules adopted by the State Board of Education. Prohibits an LEA from requiring school staff that have not been properly trained to administer the medication. Requires educational training on the administration of the medication to be done under the supervision of a licensed physician or a nurse practitioner. Provides that a staff member who is properly trained, may administer the medication to a student to whom it has been prescribed by a licensed physician, when the student is suffering from an adrenal crisis in an emergency situation and a licensed healthcare professional is not immediately available. Excludes from liability, any staff member that has been properly trained and administers the medication or performs a healthcare procedure related to adrenal insufficiency and any LEA that allows for the administration of the medication or the performance of any healthcare procedure related to adrenal insufficiency.

Effective July 1, 2017.

Education

- **Chapter No. 189 (HB0147/SB0217). School security officers authorized to patrol in certain areas.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 42 by authorizing an LEA to develop and adopt a policy, in consultation with the appropriate local law enforcement agency, that allows a school security officer who is employed by the LEA to patrol within a one mile radius of the officer's assigned school, but not beyond the boundaries of the assigned school's LEA. Requires any LEA that adopts a policy to file a copy of the policy with the appropriate local chief law enforcement officer. Provides that the school security officer is only permitted to patrol for violations of the law that involve minors, including truancy and requires the officer to immediately report any violation of the law that the officer reasonably believes a minor to be committing to the appropriate law enforcement agency.

Effective April 27, 2017.

Education

- **Chapter No. 204 (HB0872/SB1394). LEAs required to adopt a policy related to exclusionary discipline practices for certain students.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 30 by requiring each LEA, prior to the 2018-2019 school year, to adopt either its own policy or the model policy to be developed by the Tennessee Department of Education related to exclusionary discipline practices for students in pre-K and kindergarten.

Effective April 27, 2017.

Education

- **Chapter No. 256 (HB0448/SB0458). Schools authorized to maintain opioid antagonist.** Amends Title 49, Chapter 50, Part 16 by requiring the State Board of Education, in consultation with the Department of Health, to develop guidelines for the management of students presenting with a drug overdose for which administration of an opioid antagonist is appropriate. Authorizes each LEA to develop a plan for the management of students presenting with a drug overdose. Authorizes each school within an LEA to maintain an opioid antagonist at the school in at least 2 unlocked and secure locations. Allows an LEA to obtain a prescription from a physician or a statewide collaborative pharmacy practice. Provides that a school nurse, resource officer or other trained personnel may utilize a school's supply of opioid antagonists to respond to a drug overdose. Provides immunity for the trained individual administering the antagonist, as long as the dose was not administered with an intentional disregard for safety.

Effective July 1, 2017.

Education

- **Chapter No. 289 (HB0322/SB1210). Transportation supervisor and policy required.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by requiring each LEA or charter school that provides or contracts for transportation services to appoint a transportation supervisor who is responsible for monitoring and overseeing transportation services of the district or school. Requires the transportation supervisor to complete a student transportation management training program developed by the Tennessee Department of Safety and Tennessee Department of Education and complete a minimum of 4 hours of annual training approved by the departments. Requires each LEA or charter school to submit the name of the transportation supervisor to the Tennessee Department of Education by February 15, 2018 and by August 15th every year, submit the name of the transportation supervisor and verification that the individual received the required training. Requires every LEA to adopt a transportation policy relative to the safe transport of students. Includes the required components of the policy. Also requires a new school bus driver, prior to transporting students to complete a new school bus driver program based upon standards developed by the Departments of Safety and Education. Places additional limitations on the individuals to whom the Department of Safety will issue an initial school bus endorsement.

Effective January 1, 2018.

Education

- **Chapter No. 313 (HB0439/SB0733). Intruder drill required annually.** Amends T.C.A. § 49-6-807 by requiring that each school safety team conduct at least 1 armed intruder drill annually, in coordination with the appropriate law enforcement agency. Requires the result of the drill to be maintained for at least 3 years and to be made available to the Tennessee Department of Education upon request.

Effective July 1, 2017.

Finance

- **Chapter No. 383 (HB0136/SB0315). Corrective action plans required.**
Amends Tennessee Code Annotated, Title 9, Chapter 3, Part 4 by requiring each local government with 1 or more audit findings in its annual audit to submit a corrective action plan to the Comptroller or his/her designee in a manner prescribed by the Comptroller that addresses the actions taken or to be taken in response to each audit finding. Requires the plan to include the name or names of the contact person or persons responsible for the plan, the corrective action taken or to be taken and the anticipated completion date. Requires the local government to note in the plan any disagreement with an audit finding or if the local government believes that the corrective action plan is not required.

Effective May 18, 2017.

Firearms

- **Chapter No. 202 (HB0688/SB1339). Firearms, loaded firearms and firearm ammunition permitted in motor vehicles and boats.** Amends T.C.A. § 39-17-1307(e) by making carrying or possessing a firearm, loaded firearm or firearm ammunition by an individual in a motor vehicle or a boat an exception to unlawful carrying or possession of a firearm or firearm ammunition, when the individual is not prohibited from possessing, receiving or purchasing a firearm and the individual is in lawful possession of the motor vehicle or the boat. **Provides that the exception is not applicable when the motor vehicle or boat is owned or leased by a governmental or private entity that has adopted a written policy prohibiting firearms, loaded firearms or firearm ammunition when they are not required for employment within the motor vehicle or boat and the motor vehicle or boat is provided by such entity to an employee for use during the course of employment.**

Effective July 1, 2017.

Firearms

- **Chapter No. 341 (HB0995/SB1077). “Guns in Parks” legislation amended.** Amends T.C.A. § 39-17-1311 by providing that a handgun carry permit holder is generally prohibited from carrying a handgun in a park or similar public place owned by a local government within the immediate vicinity of property where 1 or more students are physically present on the property for an activity a reasonable person knows or should know is an athletic event or other school event or school-related activity. Provides that the prohibition is not applicable solely because equipment or supplies or other property owned or used by the school is on the property.

Effective May 9, 2017.

Firearms (Posting and Damages)

- **Chapter No. 467 (HB0508/SB0445). New provisions related to local governments regulating firearms.** Amends T.C.A. § 39-17-1314 by providing that any party who is adversely affected by an ordinance, resolution, policy, rule, or other enactment related to firearms and firearms ammunition that is adopted or enforced by a local government after July 1, 2017 may file an action in a court of competent jurisdiction against the local government for declaratory or injunctive relief and damages. Provides that if the party filing the action prevails, he/she is entitled to
 - (1) The greater of:
 - (A) Actual damages, including consequential damages, attributable to the ordinance, resolution, policy, rule, or other enactment; or
 - (B) Three (3) times the plaintiff's attorney's fees;
 - (2) Court costs, including fees; and
 - (3) Reasonable attorney's fees; provided, that attorney's fees shall not be awarded under this language and the language that allows for 3 times the party's attorney's fees to be awarded.

Firearms (Posting and Damages)

- Also amends § 39-17-1359 by prohibiting a local government from restricting or prohibiting the possession of a handgun by a handgun carry permit holder on property owned or administered by the local government unless there are, at each public entrance, metal detection devices, at least 1 law enforcement officer or private security guard who has been adequately trained on inspecting individuals with metal detection devices and each person who enters through a public entrance when the property is open to the public is inspected along with any bag or item that the individual is carrying by the law enforcement officer, private security officer or someone else authorized to deny entrance onto the property.

Firearms (Posting and Damages)

- Provides that the following are exempt from the language in subsection (g):
 - (A) Facilities that are licensed under Titles 33, 37, or 68 (mental health, intellectual disability, substance abuse, juvenile, medical and other safety and environmental facilities);
 - (B) School grounds or within the immediate vicinity of a school sponsored athletic event or other school-related activity on an athletic field in a park or other similar public place;
 - (C) Buildings in which judicial proceedings take place, regardless of whether a judicial proceeding is in progress;
 - (D) Buildings that contain a law enforcement agency;
 - (E) Libraries; and
 - (F) Facilities that are licensed by the Tennessee Department of Human Services, under Title 71, Chapter 3, Part 5 and administer a Head Start program.

Effective July 1, 2017.

General Government

- **Chapter No. 91 (HB0545/SB0547). Notification after the breach of a security system.** Amends T.C.A. § 47-18-2107 by requiring an information holder to disclose the breach of a security system to any resident of the state whose personal information was **or is reasonably believed to have been acquired** by an unauthorized person no later than 45 days from discovery of the breach, unless a longer time is needed for law enforcement purposes. Includes the means through which notification can be provided. Requires consumer reporting agencies to be notified if the breach includes more than 1,000 people at one time.

Effective April 4, 2017.

General Government

- **Chapter No. 92 (HB0981/SB0681). Bonds for public works projects.** Amends T.C.A. § 12-4-201 by requiring the bonds given on all public works projects over \$100,000 to be at least 25% of the contract price.

Effective April 4, 2017.

General Government

- **Chapter No. 275 (HB1166/SB0964).**
Assistance for natural disasters. Amends T.C.A. § 7-51-1601 by requiring municipalities to adopt a plan, by resolution or ordinance, for providing assistance for natural disasters relief to private residential property.

Effective May 4, 2017.

Law Enforcement

- **Chapter No. 252 (HB0903/SB1082). Advisory guidelines related to best behaviors during traffic stops to be established.** Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by requiring the Tennessee Department of Safety, in consultation with state and local law enforcement, to develop advisory guidelines concerning best behaviors for drivers to exercise when stopped by law enforcement officers. Requires the advisory guidelines to be promoted to the public. Also requires law enforcement officers to be trained that citizens may, but are not required to follow the guidelines and are not liable for civil damages or subject to other liability or action for failure to comply with the guidelines.

Effective May 2, 2017.

Law Enforcement

- **Chapter No. 301 (HB1049/SB0459). Law enforcement officers required to notify the Post Commission of arrests.** Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1 by requiring a law enforcement officer who is arrested to notify the executive secretary of the POST Commission and the chief law enforcement officer or his/her designee in the agency where the officer is employed within 24 hours of an arrest, as contained in the arrest report. Also requires the chief law enforcement officer or his/her designee to notify the executive secretary within 24 hours of receiving notification of an officer's arrest. Also amends T.C.A. § 38-8-111 by authorizing the POST Commission to withhold an officer's salary supplement for failure to notify the Commission of an arrest.

Effective July 1, 2017.

Law Enforcement

- **Chapter No. 345 (HB1283/SB1223). Testing permitted upon possible exposure to Hepatitis.** Amends T.C.A. § 68-10-116 by authorizing law enforcement officers to request that arrestees be tested for Hepatitis when the officer is exposed to blood or other bodily fluid of the arrestee, in a manner that presents significant risk of transmission, during an arrest, transport or while processing an individual charged with a crime. Defines law enforcement officer to include fire fighters and other first responders.

Effective May 6, 2017.

Personnel-Benefits

- **Chapter No. 408 (HB0604/SB0763). Rights and benefits of first responders from local emergency management agencies established.** Amends Tennessee Code Annotated, Title 58, Chapter 2, Part 1 by providing that local emergency management agency personnel are considered first responders from local emergency management agencies with all the rights, benefits, privileges and protections available to them pursuant to state and local laws. Provides that the estate of any first responder from a local emergency management agency is entitled to \$25,000 if the responder is killed in the line of duty.

Effective July 1, 2017.

Personnel-Benefits

- **Chapter No. 445 (HB1368/SB1059). Death benefit increased for families of emergency responders killed in the line of duty.** Amends Title 7, Chapter 51, Part 2 of the Tennessee Code by providing the estate of firefighters, volunteer rescue squad workers and law enforcement officers who are killed in the line of duty, an annual installment of \$50,000 for 5 years. Requires the emergency responder to have been current in any required training and physical exams at the time of death.

Effective July 1, 2017.

Personnel-Benefits

- **Chapter No. 476 (HB0466/SB0822). Health insurance benefits authorized for families of first responders killed in the line of duty.**
Amends Title 8, Chapter 27, Part 4 of the Tennessee Code by allowing municipalities that offer health insurance benefits to first responders, to offer or continue to provide the benefits to the surviving spouse and children, including unborn children, of a first responder killed in the line of duty for a period not to exceed 2 years after the death of the first responder. Requires the municipality to provide notification to the commissioner of Finance and Administration if these benefits are being provided so that the State can reimburse the local government for the portion of the premiums that the local government pays.

Effective July 1, 2017.

Records (Requests and Penalties)

- **Chapter No. 233 (HB0058/SB0464). Amendments to the Tennessee Public Records Act.** Amends T.C.A. § 10-7-503 by providing that requests to inspect records may be submitted in person, by telephone, fax, mail or email, if the governmental entity conducts official business using such means or via an Internet portal, if the entity maintains a portal that is used for accepting public records requests. Provides that requests for copies can be required to be made in writing, on a form developed by the Office of Open Records Counsel (OORC), or on a form that complies with T.C.A. § 10-7-503(c). Also provides that if a request for copies is not required to be made in writing, it can be made in any of the ways that a request to inspect can be made. Requires any form that is required to be used to make a request for copies to be made readily available to a requestor.



Records (Requests and Penalties)

- Also provides that when at least 2 requests to inspect are made within a 6 month period and for each request, the requestor does not inspect the records within 15 days of being made aware that records are available for inspection, the governmental entity is not required to comply with any additional records request from the requestor for 6 months from the date the second request was made, unless the entity determines there was good cause for failure to review the records. Provides that when a request for copies is made, an estimate provided, the requestor agrees to pay the estimate, the copies are made and then the requestor does not pay the estimate, the governmental entity is not required to comply with another request from the requestor until the requestor pays for such copies.

Effective July 1, 2017.



Records

- **Chapter No. 255 (HB0732/SB0442). Certain body worn camera (BWC) footage made confidential.** Amends T.C.A. § 10-7-504 by making BWC footage taken of a minor taken within a school that serves grades k-12, the interior of a facility licensed as a healthcare, rehabilitation or mental health facility, or the interior of a private residence that is not being investigated as a crime, confidential. Provides that this provision will be deleted on July 1, 2022.

Effective May 2, 2017.

Records

- **Chapter No. 296 (HB0560/SB0467). Criminal offense created for disclosure of law enforcement officers' residential street address.** Amends T.C.A. § 10-7-504 by making the disclosure of a law enforcement officer's residential street address either a Class A or a Class B misdemeanor, when the person releasing the information acts with criminal negligence in releasing the information or the person knows the information is to be treated as confidential and intentionally releases the records. Provides that this language is not applicable when the officer expressly authorizes the release of the records or the information is released pursuant to a court order.

Effective July 1, 2017.

Records

- **Chapter No. 308 (HB0344/SB0550). The identities of minors who are victims of crimes made confidential.** Amends T.C.A. § 10-7-504 by making certain information, including the name, unless waived by the parent or legal guardian, the home, work and electronic mail address, the telephone numbers, social security numbers, any photographic or video depiction of the minor victim and whether the defendant is related to the victim, unless the relationship is an essential element to the crime, confidential for a minor who is the victim of a crime.

Effective July 1, 2017.

Tobacco

- **Chapter No. 188 (HB0113/SB1369).**
Prohibition on smoking. Amends T.C.A. § 39-17-1551 by authorizing the City of Cookeville to prohibit smoking in Dogwood Park, through an ordinance.

Effective July 1, 2017.

Utilities

- **Chapter No. 118 (HB0088/SB0138). New training requirements.** Amends T.C.A. § 7-34-115 by requiring the governing body of a municipal utility system subject to this section that supervises, controls or operates a public water or public sewer system, including those systems using a separate utility board pursuant to any public or private act, to obtain 12 hours of training and continuing education within 1 year of initial appointment or election or reappointment or reelection. The required training and continuing education must be obtained every 3 years from the date of the initial training. Allows for an extension of up to 6 months to be obtained from Comptroller of the Treasury or his designee under certain circumstances. Provides that if a member of the board fails to meet the training and continuing education requirements within the required timeframe or before the end of any extension, the Water and Wastewater Financing Board has full discretion to order reasonable sanctions against the municipality, which includes the municipality being ineligible to receive assistance from the Tennessee Local Development Authority (TLDA).

Effective April 12, 2017.

Utilities

- **Chapter No. 404 (HB0158/SB0683). Fluoride level triggers requirement to notify water customers.**
Amends Tennessee Code Annotated, Title 68, Chapter 221, Part 7 by requiring a public water system to notify customers and obtain laboratory analysis of water samples monthly for fluoride levels, when the quarterly analysis of a water sample analysis by a certified laboratory confirms that the level of fluoride in the sample exceeds 1.5 mg/L.

Effective May 18, 2017.

Workers' Compensation

- **Chapter No. 380 (HB0666/SB0297). Requirements for list of independent reputable practitioners and death benefits for deceased employees amended.** Amends T.C.A. § 50-6-204 by requiring employers covered by the workers' compensation provisions to provide injured employees a list of three (3) independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together that are within a 125 mile radius of the employee's community, when three (3) or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community. Also requires employers subject to the workers' compensations provisions to pay burial expenses of up to \$10,000 for deceased employees who succumb due to occupational injuries or disease.

Effective May 18, 2017.



Resources

- If you have questions, I can be reached by phone at 615-532-4963 or you can email me at Elisha.Hodge@tennessee.edu.
- You access the MTAS website at <http://www.mtas.tennessee.edu/web2012.nsf/Web/Home>.