



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

SUMMARY OF 2022 PUBLIC ACTS

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WARNING

Users of this publication are cautioned that much judgment is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the Act itself and not rely on the summary.

SUMMARY OF PUBLIC ACTS 2022

TABLE OF CONTENTS

Alcohol	4
Authorities, Boards and Commissions	5
Crimes and Criminal Procedure	6
Economic and Community Development	10
Education	11
Elections	20
Environment	20
Finance	20
Firearms	22
General Government	22
Labor	28
Law Enforcement	29
Motor Vehicles and Traffic	30
Personnel - Benefits	30
Planning	32
Purchasing	33
Records	34
Taxes – Hotel/Motel	35
Taxes – Property	35
Taxes – Sales	36
Tobacco	37
Transportation	38
Utilities	38
Workers' Compensation	40

Alcohol

Chapter No. 645 (HB1685/SB1824). Sports authority facility designated. Amends T.C.A. § 57-4-102(35)(A)(iii) by designating the Nashville Soccer Club's Geodis Stadium as a sports authority facility for purposes of authorizing on-premises consumption.

Effective March 11, 2022.

Chapter No. 701 (HB1657/SB1768). Lakeland Golf Course description amended. Amends T.C.A. § 57-4-102(28) by revising the description of Lakeland Golf Course, in Lakeland, Tennessee, so that it remains a premier-type tourist resort where on-premises consumption is authorized.

Effective March 18, 2022.

Chapter No. 816 (HB2349/SB2269). Manufacturer allowed to self-distribute in certain situations. Amends T.C.A. § 57-5-101(g)(1) by authorizing a manufacturer that manufactures no more than 25,000 barrels of beer or high content beer, or both, annually, that is also operating as a retailer pursuant to T.C.A. § 57-5-101(c) to self-distribute the beer it manufactures directly to other retailers inside the county where the manufacturer is located and outside the county in certain instances.

Effective April 8, 2022.

Chapter No. 882 (HB2514/SB2270). Areas where beer and alcoholic beverages can be purchased, carried and consumed at festivals and special occasion events expanded. Amends T.C.A. § 57-4-102(29) and T.C.A. § 57-4-102(34) by amending the definition of premises and special occasion license to allow a non-profit organization, pursuant to a special occasion license, or a for-profit company, pursuant to a festival license, to designate an area covered under their license where attendees may buy alcoholic beverages and beer from certain listed Tennessee Alcoholic Beverage Commission ("TABC") licensees and carry and consume such alcoholic beverages anywhere else within such designated area. Requires a special occasion licensee or festival licensee wanting to establish such a designated area to get approval from both the municipality in which the event is being held and the TABC. Authorizes the municipality to place certain requirements or restrictions necessary to promote public health, safety and welfare on the approval. Also increases the maximum number of special occasion licenses a non-profit is eligible to receive in any calendar year from 12 to 16.

Effective April 14, 2022.

Chapter No. 1050 (HB1689/SB1685). 2022 omnibus alcohol bill adopted. Amends T.C.A. § 57-4-102(28) and T.C.A. § 57-4-102(13) by designating the following entities as premier type tourist resorts and a community theater for purposes of being authorized to sell beer and alcohol for on-premises consumption:

The Grove at Williamson Place- Murfreesboro, TN	The Lost Sea Adventure- Sweetwater, TN
Fat Boys at Hidden Harbor Marina- Smithville, TN	Oaklawn Farms- Crossville, TN
The Estate at Cherokee Dock- Lebanon, TN	Casa Grande- Crossville, TN

Bonnie Kate Theatre- Elizabethton, TN	Flatrock USA- Rockwood, TN
The Common House- Nashville, Chattanooga, and Knoxville, TN	The Beeches/ The Vineyard at The Beeches, Springfield, TN
Bolt Farm Treehouse- Whitwell, TN	Twisted Oaks- Dowelltown, TN
Manchester Coffee Co. Conference Center- Manchester, TN	MoCo Brewing Project- Wartburg, TN
Blue Mountanya The Resort- Butler, TN	Norton Creek Resort- Gatlinburg, TN
Tennessee Central Railway Museum- Nashville, TN	Cedar Creek Yacht Club- Mt. Juliet, TN
Starry Nightcap Tavern- Deer Lodge, TN	Bumpus Marina- Bumpus Mills, TN
Center Hill Marina, Lancaster, TN	Clarksville Country Club- Clarksville, TN
Coffee Ridge- Flagpond, TN	Grandview Experience Lodge- Spencer, TN
The Ruby Cora- Adams, TN	Museum Center at Five Points- Cleveland, TN
Timberhawk Hall- Madison, TN	WYELEA Resort- Franklin, TN

Effective May 25, 2022.

Authorities, Boards and Commissions

Chapter No. 837 (HB2508/SB2308). Provisions related to the Greater Nashville Regional Council amended. Amends various provisions within Tennessee Code Annotated, Title 64, Chapter 7, Part 1 related to the composition, terms, meetings and funding of the Greater Nashville Regional Council.

Effective April 19, 2022.

Chapter No. 873 (HB2264/SB2108). Bonding requirements for officials and employees of development districts amended. Amends T.C.A. § 13-4-114(a) by authorizing a development district to obtain, for employees who have the authority to make expenditures or have access to public funds, an insurance policy from certain insurance companies or an agreement from an insurance pool established for governmental entities, in lieu of a surety bond, that provides government crime coverage, employee dishonesty insurance coverage, or the equivalent coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities. Requires the policy or agreement to have limits of at least \$400,000 per occurrence. Requires the policy or agreement to be

filed with the Register of Deeds in the county where the development district is located. Adds the same requirement in T.C.A. § 64-7-109 relative to employees and officials of the Greater Nashville Regional Council.

Effective April 14, 2022.

Chapter No. 880 (HB2337/SB2230). List of individuals authorized to serve on a county election commission expanded. Amends T.C.A. § 2-1-112(a) by adding that the prohibition against elected officials and employees of municipalities serving as members of a county election commission does not apply to city school system employees who do not work directly under the supervision of an elected official.

Effective April 14, 2022.

Crimes and Criminal Procedure

Chapter No. 764 (HB2177/SB2427). Certain drug testing equipment removed from the definition of drug paraphernalia. Amends T.C.A. § 39-27-402(12)(B) by excluding from the definition of drug paraphernalia “narcotic testing equipment used to determine whether a controlled substance contains a synthetic opioid, unless the narcotic testing equipment is possessed for purposes of the defendant’s commission of an offense under § 39-17-417.”

Effective March 31, 2022.

Chapter No. 804 (HB1763/SB1802). Definition of “drug paraphernalia” amended. Amends T.C.A. § 39-27-402(12) by adding to the definition of “drug paraphernalia” pill presses and pill press devices, unless the pill press or pill press device or piece of a pill press device is used by a person or entity that lawfully possesses drug products in the course of legitimate business activities.

Effective July 1, 2022.

Chapter No. 899 (HB2424/SB2070). Offense of mitigated criminal littering enhanced. Amends T.C.A. § 39-14-503 by making the offense of mitigated criminal littering or littering in amounts less than or equal to 5 pounds in weight or 7.5 cubic feet in volume, a Class B misdemeanor punishable by a fine of \$500.

Effective July 1, 2022.

Chapter No. 920 (HB2459/SB2362). Offense of unlawful photography expanded. Amends T.C.A. § 39-13-605 by adding that the offense of unlawful photography also includes knowingly photographing, or causing to be photographed, an individual without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or legal guardian, when the photograph: 1.) includes the unclothed intimate area of the individual and would be considered offensive or embarrassing by the individual; 2.) was taken for the purpose of offending, intimidating, embarrassing, ridiculing, or harassing the victim; and 3.) was disseminated by the defendant, the defendant threatened to disseminate the photograph, or the defendant permitted the dissemination of the photograph, to another person.

Effective July 1, 2022.

Chapter No. 922 (HB2178/SB2428). Provision related to the lawful use of unmanned aircraft in this State expanded. Amends T.C.A. § 39-13-902 by adding that an unmanned aircraft may be lawfully used by the Tennessee Emergency Management Agency (hereinafter “TEMA”), for emergency management purposes, including surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared, coordinating a disaster response, and conducting preliminary damage assessments of real property and infrastructure following a disaster.

Provides that an image of a person or thing on private property captured by TEMA pursuant to this subdivision (a)(22) is deemed to be an image captured incidental to the lawful capturing of an image for purposes of T.C.A. § 39-13-905.

Also provides that an image captured pursuant to subdivision (a)(22) for the purpose of damage assessment may be retained by TEMA for no longer than one (1) year or, if the disaster is later declared a major disaster by the President of the United States, for the retention period required by the federal emergency management agency for data related to damage assessment. All images captured for any other purpose are prohibited from being retained by TEMA for more than 15 business days.

Effective April 27, 2022.

Chapter No. 923 (HB2789/SB2535). Offense of unlawful exposure expanded. Amends T.C.A. § 39-17-318 by including that a person commits unlawful exposure when the person with the intent to cause emotional distress, distributes an image of an identifiable person engaged in sexually explicit conduct, when the image was photographed or recorded under the circumstances where the parties agreed or understood that the image would remain private, and the person depicted in the image suffers emotional distress. Defines “identifiable person” and “sexually explicit conduct.”

Effective July 1, 2022.

Chapter No. 982 (HB2271/SB2682). Offenses subject to judicial forfeiture expanded. Amends T.C.A. § 39-11-703 by adding a list of offenses related to kidnaping, rape of a child, rape, commission of terrorism, trafficking, and involuntary labor servitude to the list of offenses for which judicial forfeiture proceedings can be initiated. Also adds additional items that can be subject to a judicial forfeiture proceeding.

Effective July 1, 2022.

Chapter No. 985 (HB2583/SB2748). Actions that constitute abuse and neglect of a child defined. Amends T.C.A. § 39-15-401 by providing that a person abuses or neglects a child when the person knowingly: 1.) acts in a manner that adversely effects the emotional and mental health and welfare of the child; 2.) acts in a manner that has the natural effects of starving or dehydrating a child; or 3.) commits acts of female genital mutilation. Also amends T.C.A. § 71-3-505 by making it a Class E felony to operate a child care agency: 1.) while a licensed issued by the Tennessee Department of Human Services (hereinafter “TDHS”) is suspended; 2.) after the effective date of a denial or revocation of a license from the TDHS; or 3.) without being licensed by the TDHS and within 10 years of a previous finding by TDHS for operating a child care agency without a license.

Effective July 1, 2022.

Chapter No. 986 (HB0978/SB1610). Camping in certain public places made a criminal offense. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by making it a criminal offense to camp on the shoulder, berm, or right-of-way of a State or Interstate highway or under the bridge or overpass, or within an underpass of a State or Interstate highway. Includes the definition of “camping.” Also amends T.C.A. § 39-14-414 by allowing public property to be designated for camping but makes it a criminal offense for a person to engage in camping on public property that is not specifically designated as a camping area. Adds that property confiscated or seized or left unclaimed or unattended when an individual is arrested for camping, is to be maintained in a secure location for at least 90 days.

Effective July 1, 2022.

Chapter No. 1002 (HB2454/SB2292). Provisions related to obscene material amended and additional provisions related to obscene materials and librarians enacted. Amends T.C.A. § 39-17-902 by providing that the educational exception that makes possession of obscene material not a criminal offense, does not apply if the obscene material is possessed by a person with the intent to send, sell, distribute, exhibit, or display the material to a minor. Also amends T.C.A. § 49-1-221 by requiring each LEA to adopt an Internet acceptable use policy that prohibits and prevents a user from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors as defined in T.C.A. § 39-17-901. Requires any entity that an LEA contracts with to provide digital or online material created and marketed for K-12 school use, to prevent access to obscene material and pornography, make certain verification about the appropriateness of the material in writing, and remove certain material upon request from the LEA. Also requires an LEA that contracts for these services to adopt a policy that allows a person to file a complaint alleging a violation of this provision and that requires the LEA to review the complaint to determine if action is necessary.

Effective July 1, 2022.

Chapter No. 1017 (HB0827/SB1017). Pregnant prisoners prohibited from being transferred to a State penitentiary or placed in solitary confinement except under certain conditions. Amends T.C.A. § 41-4-121 by providing that when a prisoner is pregnant, beginning on the date on which pregnancy is confirmed by a healthcare professional and ending at the conclusion of postpartum recovery, the pregnant prisoner must not be removed to a State penitentiary or a branch prison for safekeeping, unless medically necessary for the health of the prisoner or the unborn child. "Postpartum recovery" is defined.

Also amends T.C.A. § 41-21-402, by adding that solitary confinement is prohibited for pregnant inmates and inmates who have given birth within the past eight (8) weeks, regardless of whether the purpose of confinement is for punishment or safekeeping, unless the inmate has demonstrated potential for self-harm, harm to the unborn child, or harm to other inmates or correction staff. Also provides that a period of solitary confinement must be limited to the shortest time possible given the safety situation. The reasons for the use of solitary confinement must be documented in the inmate's medical record as appropriate.

Effective May 11, 2022.

Chapter No. 1022 (HB1661/SB1673). Aggravated reckless driving established as new offense. Amends Tennessee Code Annotated, Title 55, Chapter 10, Part 2 by adding the new offense of aggravated

reckless driving. Includes that a person commits the offense when committing the offense of reckless driving and also intentionally or knowingly impedes traffic upon a public street, highway, alley, parking lot, or driveway, or on the premises of a shopping center, trailer park, apartment house complex, or any other premises accessible to motor vehicles that are generally frequented by the public at large. Makes the offense a Class A misdemeanor.

Effective July 1, 2022.

Chapter No. 1041 (HB2875/SB2769). Pregnant inmates in correctional institutions not authorized to be restrained except in certain situations. Amends Tennessee Code Annotated, Title 41, Chapter 51 by providing that beginning on the date on which a pregnancy is known to a law enforcement agency and confirmed by a healthcare professional, an inmate in the custody of a correctional institution must not be placed in restraints, except for in certain enumerated circumstances. Includes that when restraints are used, only the least restrictive form of restraints can be used. Requires the use of restraints on pregnant inmates in extraordinary circumstances to be documented in writing within 72 hours of use. Also requires jail administrators in municipal jails to ensure that staff members receive annual training related to this provision. Finally provides that when a healthcare professional responsible for the health and safety of an inmate requests that restraints be removed or not used on the inmate, they must be removed or not used.

Effective July 1, 2022.

Chapter No. 1042 (HB2329/SB2796). The “Tennessee Personal and Commercial Computer Act of 2003” amended. Amends T.C.A. § 39-14-602 by making it a Class A misdemeanor to intentionally and without authorization, directly or indirectly: 1.) access any computer, computer system, or computer network; 2.) introduce or be responsible for the malicious input of any computer contaminant into any computer, computer system, or computer network; 3.) access, cause to be accessed, or attempt to access any computer software, computer network, or any part thereof, for the purpose of maliciously gaining access to computer material or to tamper maliciously with computer security devices; or 4.) possess a computer contaminant. Also makes it an offense to operate a computer network in such a way as to allow anonymous access to that network without implicit consent to access under this part.

Effective July 1, 2022.

Chapter No. 1058 (HB1922/SB1786). Additional offense created for sex offenders. Amends T.C.A. § 40-39-215 by making it an offense for a sex offender, violent sex offender, or a violent juvenile sex offender, if the offender’s victim was a minor, to knowingly rent or offer for rent a swimming pool, hot tub, or any other body of water used for swimming that is located on the property owned, leased or otherwise under the control of the offender, while the offender is required to comply with the requirements related to being on the sex offender registry.

Effective July 1, 2022.

Chapter No. 1089 (HB1416/SB1378). Offense of aggravated human trafficking created. Amends Tennessee Code Annotated, Title 39, Chapter 13, Part 3 by creating the offense of aggravated human trafficking, which is a Class A felony. The offense is defined as the commission of any act that constitutes

involuntary labor servitude, trafficking persons for forced labor or services, trafficking for commercial sex act, patronizing prostitution, or promoting prostitution, when the victim of the criminal offense is under 13 years old.

Effective July 1, 2022.

Chapter No. 1094 (HB1905/SB1891). Fatal drug overdoses required to be reported. Amends T.C.A. § 38-1-101(a)(1) by requiring hospitals and clinics to report to local law enforcement and the local district attorney when an individual reports to the hospital or clinic with a fatal drug overdose.

Effective July 1, 2022.

Chapter No. 1105 (HB1833/SB2012). Offense of aggravated criminal littering expanded. Amends T.C.A. § 39-14-505 by expanding the offense of aggravated criminal littering to include knowingly placing, dropping, or throwing 2 or more tires on any public or private property without permission and without immediately removing them. Includes that a first offense is a Class A misdemeanor.

Effective July 1, 2022.

Chapter No. 1106 (HB1646/SB2013). “Joker’s Law” enacted. Amends Tennessee Code Annotated, Title 39, Chapter 14, Part 2 by enacting “Joker’s Law” which makes it an offense to knowingly and unlawfully cause serious bodily injury to or kill a police dog, fire dog, search and rescue dog, service animal, or police horse without the owner’s effective consent. Provides that the offense is a Class D felony. Also includes justifications for killing or injuring animals that belong to another person.

Effective July 1, 2022.

Chapter No. 1142 (HB2677/SB2445). New criminal offense established. Amends Tennessee Code Annotated, Title 39, Chapter 16, Part 5 by making it a Class E felony for a municipal employer or an agent of an employer acting on behalf of the employer, by means of coercion to: 1.) influence or attempt to influence an employee who is a public servant to vote or not to vote in a particular manner; or 2.) influence or attempt to influence an employee who is a public servant to resign as a public servant or unnecessarily recuse themselves from a public body with the intent to influence the action or inaction of a public body. Also establishes a cause of action against an employer in the event of unlawful discharge in violation of this provision. Provides that if a court finds that the employee was unlawfully discharged in violation of this provision, the employee is entitled to treble damages and reasonable attorney fees and costs.

Effective July 1, 2022.

Economic and Community Development

Chapter No. 1029 (HB2392/SB2128). Base tax revenues redefined for purposes of the “Convention Center and Tourism Development Financing Act of 1998.” Amends T.C.A. § 7-88-103 by redefining “base tax revenues” for purposes of a tourism development zone subject to the Convention Center and Tourism Development Financing Act of 1998. “Base tax revenues” for purposes of Shelby County is now

defined to not include local sales and use taxes collected from dealers with no physical presence in this state.

Effective July 1, 2022.

Chapter No. 1034 (HB2448/SB2128). Provision excluding Metro Nashville from the “Local Tourism Development Zone Business Tax Act” amended. Amends T.C.A. § 67-4-3009 by adding that the National Museum of African American Music is subject to the Local Tourism Development Zone Business Tax Act.

Effective May 11, 2022.

Education

Chapter No. 686 (HB2166/SB2416). Requirement that policy amendment be sent to Commissioner removed. Amends T.C.A. § 49-5-803 by removing the requirement that the Commissioner of Education approve a request made in a local school system for the establishment of a sick leave bank. Also amends T.C.A. § 49-6-4504 by removing the requirement that any amendment to a policy adopted by an LEA that prohibits harassment, intimidation, bullying, and cyber-bullying be submitted to the Commissioner of Education.

Effective March 28, 2022.

Chapter No. 692 (HB2449/SB2475). Authority to issue reciprocal licenses expanded. Amends T.C.A. § 49-5-108(c)(6) by authorizing the State Board of Education to issue an applicant an assistant principal’s license that is the equivalent of the license the applicant possessed in another state, when the other state has entered into a reciprocal agreement with the State Board of Education pursuant to T.C.A. § 49-5-109, if the applicant served as an assistant principal for no less than 1 school year in the other state.

Effective March 28, 2022.

Chapter No. 707 (HB2028/SB1995). Teacher authorized to withhold a student’s phone. Amends T.C.A. § 49-6-4002 by authorizing a local board of education to adopt a policy or code of conduct that allows a teacher to withhold a student’s phone from the student for the duration of the instructional time, when the student’s phone is a distraction to the student or the class.

Effective March 18, 2022.

Chapter No. 709 (HB2086/SB2314). Provisions related to attendance of nonresident employee’s children amended. Amends T.C.A. § 49-6-403(f) by providing that pursuant to a policy adopted by the local board of education, the child of any LEA employee who resides outside of Tennessee may attend any school within the LEA in which the nonresident employee works without paying tuition. Also amends T.C.A. § 49-6-3113(a) by providing that if the parent of a school-aged child is employed by an LEA located outside the LEA of the parent’s residence, then the employee’s child may attend a school within the LEA that employs the nonresident parent. Requires the nonresident parent to adhere to the LEA’s tuition requirements.

Effective July 1, 2022.

Chapter No. 744 (HB2154/SB2407). “Age-Appropriate Materials Act of 2022” enacted. Amends Tennessee Code Annotated, Title 49, Chapter 6, by enacting the “Age-Appropriate Materials Act of 2022” which requires beginning with the 2022-2023 school year, that each school operated by an LEA, maintain a current list of the materials in the school’s library collection. Requires the list to be posted on the school’s website. Also requires that by the 2022-2023 school year, each local board of education, adopt a policy for developing and reviewing school library collections. Includes a list of specific information that must be included in the policy.

Effective March 24, 2022.

Chapter No. 748 (HB2062/SB2510). “Save Tennessee Students Act” enacted. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 19 by enacting the “Save Tennessee Students Act” which provides that if an LEA issues new student identification cards in grades 6 through 12, then the LEA is required to include the telephone number for the National Suicide Prevention Lifeline and the social media handle, telephone number or text number for another resource of the LEAs choosing, that may include, but not be limited to a crisis text line or suicide prevention hotline, on the student identification cards. Also requires the LEA to publish in a conspicuous place in each school that serves students in grades 6-12, or any combination thereof, the telephone number for the National Suicide Prevention Hotline and the social media handle, telephone number, or text number for another resource, including but not limited to a crisis text line or a local suicide prevention hotline.

Effective March 24, 2022, and applies to the 2022-2023 school year and subsequent school years.

Chapter No. 781 (HB2582/SB2239). Disclosure of contact information required. Amends T.C.A. § 49-6-1601 by requiring each LEA to submit the contact information for the LEA’s child abuse coordinator and alternative child abuse coordinator to the Department of Children’s Services at the beginning of each school year.

Effective April 8, 2022.

Chapter No. 782 (HB2138/SB2321). Use of 2020-2021 TCAP results authorized to set objectives. Amends T.C.A. § 49-1-602 by authorizing the use of 2020-2021 TCAP results in TVAAS and to set the annual measurable objectives for schools and LEAs for the 2021-2022 school year. TVAAS data and annual measurable objectives using the TCAP results from 2020-2021 may be used to assign a letter grade to a school pursuant to T.C.A. § 49-1-228.

Effective April 8, 2022.

Chapter No. 795 (HB1890/SB2563). Definition of “elementary schools” expanded. Amends T.C.A. § 49-6-301 by expanding the definition of “elementary schools” to include schools serving any combination of students in pre-kindergarten through 6th grade, for purposes of federal funding.

Effective July 1, 2021.

Chapter No. 841 (HB2021/SB2815). Requirement related to mandatory child abuse training amended. Amends T.C.A. § 37-1-408 by requiring that each LEA ensures that all employees working directly with

students of the respective LEA, and not only teachers, complete a child abuse training program that meets certain requirements, as part of the employee's annual in-service training. Also amends T.C.A. § 49-6-1601(b) to provide the same.

Effective April 20, 2022.

Chapter No. 897 (HB1912/SB1887). Classroom days via remote instruction authorized. Amends T.C.A. § 49-6-3004 by authorizing up to 2 days each semester of the required 180 days of classroom instruction to be delivered via remote instruction in accordance with this provision. Allows remote instruction to be used by a class, school or all schools in the LEA in the event of dangerous or extreme weather conditions or of serious outbreaks of illnesses affecting or endangering students or staff or on days that the school administers end-of-course assessments or other required assessments, provided that students taking the assessments must do so in-person. Includes requirements related to the number of hours of instruction required when remote instruction is used, the provision of services required by a student's individualized education program and the provision of meals. Also requires an LEA to implement policies and procedures for tracking attendance on remote instruction days, determining excused and unexcused absences, and determining interventions needed to address student absences during remote instruction days.

Effective April 19, 2022.

Chapter No. 909 (HB1985/SB1861). Commissioner required to withhold state education finance funds from an LEA in certain circumstances. Amends T.C.A. § 49-6-310 by requiring the Commissioner of Education to withhold State education finance funds that an LEA is otherwise eligible to receive, when the LEA refuses to comply with the requirements of determining a student athlete's gender as the athlete's gender at the time of birth, for purposes of participation in athletic events. Requires each local board of education to adopt and enforce a policy to ensure compliance with the requirement related to determining a student athlete's gender.

Effective April 22, 2022, for purposes of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 914 (HB1860/SB1890). Additional data authorized to be used by teachers to measure student achievement. Amends T.C.A. § 49-1-302(d)(2)(B)(iii) by authorizing LEAs to allow teachers, beginning with the 2022-2023 school year, to use results from benchmark assessments, including state-adopted benchmark assessment or a universal screener approved by the State Board of Education, as a measure of student achievement.

Effective April 27, 2022.

Chapter No. 929 (HB1850/SB2887). Additional entities authorized to be course providers pursuant to the "Course Access Program Act." Amends T.C.A. § 49-18-102 by adding a business, industry, educator, nonprofit entity, for-profit entity, trade association, and branch of the U.S. Armed Forces to the list of entities that, if approved by the State Board of Education, can offer individualized courses online or in person to eligible high school students for credits to be counted towards high school graduation. Requires that the providers ensure that all online information and resources for online and blended

learning courses be fully accessible to all students of all abilities and requires the same for extended learning courses, whether they be provided online, in-person, or a combination of online and in-person.

Effective July 1, 2022.

Chapter No. 932 (HB1901/SB1863). Commissioner prohibited from issuing temporary permits to teach special education courses. Amends T.C.A. § 49-6-106 by prohibiting the Commissioner of Education from granting a temporary permit to teach a special education course. Provides that the Commissioner of Education, upon request from a director of schools, may issue an endorsement exemption to a teacher to teach any course except for a physical education class or special education course, for the 2022-2023 and 2023-2024 school years. Also provides that the Commissioner of Education may renew a temporary permit to teach for the 2022-2023 and 2023-2024 school years, except that a temporary teaching permit for physical education class may not be renewed.

Effective April 29, 2022.

Chapter No. 934 (HB1930/SB1958). LEAs authorized to implement holistic programs to reinforce positive behavior and reward-based behavior modification systems. Amends T.C.A. § 49-6-4002 by authorizing an LEA to implement holistic programs to reinforce positive behavior and reward-based behavior modification systems, such as The Ticket Program, that are age-appropriate, encourage parent participation, and encourage students to make good life choices for a better future by reinforcing positive student behavior with rewards and incentives that are tailored to each school's unique student population, and that work with schools, parents, and the community to reinforce positive student behavior at home, at school, and in all aspects of community life. Requires an LEA that implements a holistic program of positive behavior reinforcement or a reward-based behavior modification system, to ensure that the program complies with State law.

Effective April 29, 2022.

Chapter No. 936 (HB1964/SB2369). Remote learning drill required. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by requiring an LEA to conduct a remote learning drill at least once, but not more than twice, each school year to ensure that schools, students, and parents of students can easily transition from in-person learning to remote learning. An LEA is prohibited from requiring or asking a student to transition to remote learning at any time during a remote learning drill conducted by the LEA. Requires an LEA to address any issues discovered during the remote learning drill. Also amends T.C.A. § 49-5-108 by requiring each teacher training program to provide instruction on effective strategies for virtual instruction.

Effective July 1, 2022.

Chapter No. 938 (HB2106/SB2501). Black history course required. Amends T.C.A. § 49-6-1006 by requiring each LEA to include in the course of instruction for students in grades 5-8, curricula on Black history and Black culture and the contributions Black people made and make to the development of this country and world. Requires the State Board of Education to include multicultural diversity into the

framework and curricula to be taught at appropriate grade levels for students in K-12.

Effective July 1, 2025, and applies to the 2025-2026 school year and each school year thereafter.

Chapter No. 943 (HB2300/SB2328). Student graduating early counted as enrolled for purposes of calculating an LEAs average daily membership or full-time equivalent average daily membership.

Section 1 amends Tennessee Code Annotated, Title 49, Chapter 3, Part 3 by providing that when a high school student completes an early graduation program, the student must be counted as enrolled in the LEA from which the student graduated for the remainder of that school year, for purposes of calculating the LEAs average daily membership (ADM) or full-time equivalent average daily membership (FTEADM) for the respective school year. Section 2 repeals this provision on July 1, 2023.

Effective July 1, 2022.

Chapter No. 946 (HB2429/SB2498). New Industry 4.0 diploma distinction established. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by establishing a new Industry 4.0 diploma distinction for high school students interested in pursuing careers in high-need, high-skill industry after graduation. Requires the State Board of Education to develop the curriculum. Requires a high school student interested in receiving this diploma distinction to take certain actions related to notifying the school administration and enrolling in certain courses. Requires each public high school to notify freshmen and sophomore students of the opportunity to pursue this diploma distinction biannually, no later than 10 days after the beginning of each semester.

Effective April 29, 2022, and applies to the 2022-2023 school year and each school year thereafter.

Chapter No. 948 (HB2530/SB2824). “Heart to Heart Act” enacted. Amends T.C.A. § 49-2-122 by including that schools are encouraged to offer AED training to school bus drivers.

Effective April 29, 2022.

Chapter No. 950 (HB2557/SB2158). Schools prohibiting from entering into agreements with certain individuals and entities to teach family life. Amends T.C.A. § 49-6-1303 by prohibiting a public school from knowingly entering into an agreement with an individual or entity that performs abortions, induces abortions, provides abortion referrals or funds, advocates, or supports abortions, to assist in teaching family life.

Effective June 1, 2022.

Chapter No. 951 (HB2621/SB2309). LEAs required to designate a foster care liaison. Amends Tennessee Code Annotated, Title 49, Chapter 6 by requiring each LEA to designate a foster care liaison. Includes the roles and responsibilities of the liaison. Also allows each LEA to establish a building point of contact in each school to assist in coordinating resources and services for students in foster care.

Effective July 1, 2022.

Chapter No. 957 (HB2709/SB2595). Enrollment for voluntary pre-K programs amended. Amends T.C.A. § 49-6-104 by defining “at-risk children” for purposes of designating the children who have priority in enrollment in a voluntary pre-K program. Also adds that if the maximum number of students is not enrolled in the program by the initial enrollment deadline, other specifically identified students may enroll. Provides the criteria for the program. Also amends T.C.A. § 49-6-105 by requiring program site criteria to include an evaluation of the areas of greatest need.

Effective July 1, 2022.

Chapter No. 959 (HB2742/SB2728). Course on the virtues of capitalism and the constitutional republic form of government in the U.S. and Tennessee required. Amends T.C.A. § 49-6-1028 by requiring students in grades 9-12 to be taught the virtues of capitalism and the constitutional republic form of government in the United States and Tennessee, as compared to other political and economic systems such as communism and socialism.

Effective April 29, 2022, and applies to the 2022-2023 school year and each school year thereafter.

Chapter No. 960 (HB2760/SB2590). “School Safety and Removal Act” enacted. Amends T.C.A. § 49-6-3402 by enacting the “School Safety and Removal Act”, which authorizes alternative schools and alternative programs to provide remote instruction to students attending the program. Requires the program to comply with all state and federal laws, rules, and policies.

Effective April 29, 2022, for purposes of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 966 (HB2143/SB2396). “Tennessee Investment in Student Achievement Act” enacted. Amends Tennessee Code Annotated, Title 49, Chapter 3, Part 1 by enacting the “Tennessee Investment in Student Achievement Act” or TISA, which establishes the new funding formula for public education in Tennessee.

Effective May 2, 2022, for purposes of promulgating rules, preparing required reports, establishing and preparing fiscal capacity calculations, determining fiscal capacities, determining equalization values, determining local contributions, creating and publishing the TISA guide and creating and procuring the professional development series on TISA and July 1, 2022, for all other purposes.

Chapter No. 978 (HB2461/SB2363). Additional time allowed for TCAP test. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by permitting TCAP tests to be administered to students in a timed format. Provides that the Tennessee Department of Education will establish the required times for each TCAP test and an option for an additional time period that may be added to the required time limit for each test, if requested by a student. Allows for the optional additional time to be provided for

consecutive use with the required time limit for each test, as long as use of the additional time does not invalidate the test. Includes that this provision does not supersede an LEA's obligation to comply with the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

Effective May 3, 2022, and applies to the 2022-2023 school year and each school year thereafter.

Chapter No. 979 (HB2153/SB2406). Tennessee State Board of Education required to offer students online computer science classes. Amends T.C.A. § 49-1-232 by requiring the State Board of Education to provide, no later than the 2023-2024 school year, computer science courses, including online options, that students across the State can enroll in at no charge to satisfy the requirement in T.C.A. § 49-6-1010.

Effective May 3, 2022.

Chapter No. 990 (HB2108/SB2154). Deadlines established for textbooks and instructional material to comply with Tennessee's academic standards. Amends T.C.A. § 49-6-2206 by establishing dates by which all textbooks and instructional material must be aligned with Tennessee's academic standards. Also establishes date by which the State Board of Education can no longer grant waivers for textbooks and instructional material that do not align with Tennessee's academic standards.

Effective May 4, 2022.

Chapter No. 991 (HB2108/SB2154). Criteria for teachers' and principals' annual evaluations amended. Amends T.C.A. § 49-1-302(d)(2)(B) by requiring that 60% of the evaluation criteria developed by the Teacher Evaluation Advisory Committee for teachers and principals consist of student achievement data, and 25% consist of other measures of student achievement selected from a list of such measures. Also provides that if a teacher's or principal's student growth data reflects an effectiveness level of "at expectations" or "above expectations", then the student growth data will comprise the full 60% student achievement data portion of the evaluation. Includes that it is the intent of the 112th General Assembly that the criteria established in this act remain unchanged for at least 3 years from the effective date of this act.

Effective July 1, 2022, and applies to evaluations conducted during the 2022-2023 school year and each school year thereafter.

Chapter No. 1005 (HB2316/SB2153). Cause of action created for violation of an adopted policy related to determining the gender of a student athlete. Amends T.C.A. § 49-6-310 by providing that if a public school violates a policy adopted by the school's governing board related to determining a student athlete's gender as that assigned to the student at birth for purposes of participating in interscholastic athletic activities or events, and the violation deprives a student of an athletic opportunity or causes direct or indirect harm to the student, then the student or the student's parent or legal guardian, if the student is a minor, has a private cause of action for injunctive relief, damages, and any other relief available under law. The student or the student's parent or legal guardian is also entitled to reasonable costs and attorney fees. Includes that a student or a student's parent or legal guardian has 1 year from

the date of a violation of a policy adopted to file an action.

Effective July 1, 2022.

Chapter No. 1019 (HB0751/SB1158). Categories of student authorized to have an individualized education account expanded. Amends T.C.A. § 49-10-1402(3)(A) by expanding the categories of students authorized to have individualized education accounts to include students with a specific learning disability.

Effective May 11, 2022.

Chapter No. 1021 (HB2341/SB1670). Each employee of an LEA who works directly with students in the LEA required to receive human trafficking training. Amends T.C.A. § 49-6-3004 by requiring each employee of an LEA who works directly with students in the LEA to receive, once every three (3) years, in-service training on the detection, intervention, prevention, and treatment of human trafficking of children. Requires the training to be accomplished through the viewing of a video recording approved by the LEA. The plan recommended by the director of schools and adopted by the LEA under subdivision (c)(1)(A) must specify the amount of in-service credit that an employee will receive for viewing the video required in this subdivision (c)(1)(B). Requires the LEA to maintain a record of each employee who completes the required in-service training.

Effective July 1, 2022.

Chapter No. 1032 (HB2312/SB2299). LEAs required to make certain assessment materials available to members of the General Assembly. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 60 by requiring an LEA to provide any testing materials or proposed testing materials in the LEA's possession to a member of the General Assembly upon the member's request to inspect and review the materials. Requires the Tennessee State Board of Education to promulgate rules to protect the integrity and confidentiality of materials that are disclosed to members. Includes assessment materials that are not available for inspection by the members.

Effective May 11, 2022, for purpose of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 1067 (HB2430/SB2315). County LEA prohibited from operating a school inside the geographic boundaries of a municipal LEA except in certain circumstances. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by providing that a county LEA is authorized to operate a school within the geographic boundaries of a municipal LEA, when the county LEA and municipal LEA enter into a written agreement before July 1, 2022, without further statutory restrictions. If an agreement is not entered into by the county LEA and the municipal LEA by July 1, 2022, the county LEA may continue to operate within the municipal LEA's geographic boundaries under certain conditions. Also includes how title to property and fixtures is to transfer to the municipal LEA, if no voluntary written agreement is entered into or how it is to transfer to the municipal LEA after the termination or nonrenewal of a voluntary written agreement. Provides a formula for how reimbursement is to be made by the municipal LEA to the county once the property and fixtures are transferred to the municipal LEA.

Effective January 1, 2023.

Chapter No. 1075 (HB2673/SB2684). New requirement added for acting on complaint related to antisemitism. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by providing that if an LEA receives a complaint from a person who alleges that antisemitism has occurred on the premises of a public school serving any of the grades K-12, or through electronic outreach from a public school serving any of the grades K-12, then the LEA must take into consideration the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, including the "contemporary examples of antisemitism," in determining whether the alleged act was motivated by antisemitic intent.

Effective May 25, 2022.

Chapter No. 1080 (HB2673/SB2684). Uniform grading scale to be adopted and used by LEAs for students in grades 9-12 established. Amends T.C.A. § 49-6-407 by establishing the uniform grading scale to be adopted by LEAs for students in grades 9-12.

Effective July 1, 2022, and applies to grades assigned to students during the 2022-2023 school year and each year thereafter.

Chapter No. 1093 (HB1899/SB1864). New criteria established for the issuance of a limited teaching license. Amends T.C.A. § 49-5-106 by providing that a teacher holding the teacher's second and third temporary teaching permit may apply to the Tennessee Department of Education for a limited license to continue teaching the course that is the subject of the teacher's current temporary permit, subject to certain restrictions. Provides that a limited license cannot be obtained to teach a special education course, a physical education course, or a course for which an end-of-course examination is required.

Effective May 27, 2022, for purposes of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 1096 (HB2000/SB1986). New evaluation criteria established for teachers who do not have access to student growth data. Amends T.C.A. § 49-1-302(d)(2)(B) by establishing new evaluation criteria for teachers when, for the current evaluation year, the teachers do not have access to individual student growth data due to changes in academic standards or assessment design requiring standards validation or standards setting in the teacher's content or subject area.

Effective May 27, 2022.

Chapter No. 1141 (HB2455/SB2442). Criteria established for practitioner occupational teaching licenses. Amends Tennessee Code Annotated, Title 49, Chapter 5, Part 1 by establishing the criteria for practitioner occupational teaching licenses.

Effective June 3, 2022, for purposes of promulgating rules and July 1, 2023, for all other purposes.

Elections

Chapter No. 621 (HB1868/SB1820). Instant runoff voting prohibited. Amends Tennessee Code Annotated, Title 2, Chapter 8 by prohibiting a municipal election from being conducted by instant runoff voting or ranked choice election.

Effective February 28, 2022.

Chapter No. 901 (HB2061/SB2302). Process for filing complaints related to financial disclosure statements amended. Amends T.C.A. § 2-10-108 by requiring all complaints related to a financial disclosure statement filed for an election for which the complainant was qualified to vote, to be filed with the local district attorney in the judicial district in which the voter resides, when the complaint is related to candidate for local office or a local political campaign committee.

Effective April 19, 2022.

Chapter No. 939 (HB2128/SB2245). Municipality prohibited from granting voting rights to a non-citizen to vote. Amends T.C.A. § 2-2-102 by adding that an individual who is not a U.S. citizen is prohibited from voting in a state, federal or local election. Prohibits municipal staff from granting an individual who is not a U.S. citizen voting rights in an election.

Effective April 29, 2022.

Environment

Chapter No. 875 (HB1842/SB2121). Provisions related to applications for a permit to construct or expand a solid waste disposal facility or incinerator amended. Amends T.C.A. § 68-211-814(b) adding that when a decision on an application for a permit to construct or expand a solid waste disposal facility or incinerator is not made by the board of a municipal solid waste region within 90 days after receipt of a complete application, the Commissioner of Environment and Conservation may continue processing the application. Also establishes a process for appealing a final action taken by the board of a municipal solid waste region relative to such applications.

Effective April 14, 2022.

Finance

Chapter No. 663 (HB1728/SB1755). Modification of outstanding obligations. Amends T.C.A. § 9-21-1001 by providing that for purposes of the law related to revenue refunding bonds, the modification of an outstanding obligation is deemed a refunding of the modified obligation, and the refunding must comply with the laws related to revenue refunding bonds, if the modification is of such significance that the obligation would be deemed to be reissued for federal tax law purposes, regardless of whether the outstanding obligation is tax-exempt for purposes of federal law.

Effective March 16, 2022.

Chapter No. 716 (HB2393/SB2553). Auditing provisions amended. Amends T.C.A. § 6-56-105 by removing the authority of public accountants to prepare audits for municipalities. Also adds that the results of each audit of a municipality must be maintained as a public and permanent record of the municipality and is open to public inspection by each citizen or taxpayer. Also adds that if a municipality fails to prepare auditable financial records in a timely manner, the Comptroller may appoint a certified public accountant or certified municipal finance officer (CMFO) to prepare financial records for the municipality's annual audit.

Effective March 18, 2022.

Chapter No. 779 (HB2551/SB2106). Process for using competitive sealed proposals amended. Amends T.C.A. § 12-3-1207 by adding that the proposals and all related materials are to be open for public inspection after the intent to award is announced. Also adds the following:

As provided in the request for competitive sealed proposals and in the procurement code, interviews, presentations, demonstrations and discussions, either oral or in writing, or both, may be conducted for clarification to assure full understanding of, and responsiveness to, the solicitation requirements with the one (1) or more responsible respondents who submit proposals determined by the purchasing agent to be reasonably susceptible of being selected. The respondents must be accorded fair and equal treatment with respect to an opportunity for an interview, presentation, demonstration, discussion, or revision of proposals, and revisions may be permitted after submission and before the intent to award to a particular respondent is announced to obtain the best and final offers. In conducting interviews, presentations, demonstrations, or discussions, the purchasing agent and other municipal personnel shall not disclose to a respondent during the negotiations, information derived from proposals submitted by competing respondents.

Effective April 8, 2022.

Chapter No. 822 (HB1864/SB1875). Public finance provisions amended. Amends T.C.A. § 9-21-609 by adding that a local government or "its designee" are to contact at least 3 financial institutions by phone or letter to request the financial institutions provide rates of interest for the terms of capital outlay notes authorized to be sold by informal bid pursuant to the Local Government Public Obligations Act of 1986. Also amends T.C.A. § 9-21-901 by providing that the modification of an outstanding general obligation refunding bond is not significantly modified and does not rise to the level of a State law reissuance when the obligation allows for and contemplates modification of the interest rate of the outstanding obligation at any time during its existence. Also amends T.C.A. § 12-10-116 to include that any lease, loan agreement, sales contract or operating contract described in the chapter may be entered into for the purpose of refunding capital outlay notes which can be refunded under title 9, chapter 21, part 6.

Effective April 14, 2022.

Firearms

Chapter No. 1038 (HB2509/SB2628). List of weapons for which the knowing or intentional possession, manufacture, transport, repair or sell is an offense is amended. Amends T.C.A. § 39-17-1302 by removing short-barrel rifle or shotgun from the list of weapons for which the knowing or intentional possession, manufacture, transport, repair or sell is an offense.

Effective July 1, 2021.

General Government

Chapter No. 626 (HB0411/SB0515). “Tennessee Freedom of Speech Act” amended. Amends T.C.A. § 2-7-143 by clarifying that the prohibition on regulating certain aspects of political signs on private property applies 60 days before the first day of early voting in an election until the first day after the election.

Effective July 1, 2022.

Chapter No. 674 (HB2414/SB2165). Subpoena of HIPAA protected information. Amends Tennessee Code Annotated, Title 8, Chapter 27, Part 9 by authorizing certain individuals and entities to subpoena HIPAA protected information from local governments that have self-funded insurance programs after the prescribed notice is provided. Also authorizes a local government subject to this provision to opt out of this requirement by passing a resolution approved by a simple majority vote of the governing body.

Effective March 18, 2022.

Chapter No. 719 (HB2385/SB2881). Professional service contract provision expanded. Amends T.C.A. § 12-3-1209(a) by adding insurance producers to the list of professional services that should not be procured through competitive solicitations. Insurance producer is defined as a “person required to be licensed under the laws of this state to sell, solicit or negotiate insurance” pursuant to the language in Tennessee Code Annotated § 56-6-102.

Effective March 18, 2022.

Chapter No. 720 (HB0105/SB0029). Residency requirements for certain first responders prohibited. Amends T.C.A. § 8-50-107 by providing that a municipality is prohibited from denying employment to or dismissing, disciplining, fining or penalizing a first responder based upon where the first responder or applicant resides. “First responder” is defined as a paid, full-time law enforcement officer, firefighter, EMS personnel, or dispatcher of law enforcement, fire or EMS services, but not the chief or head of the department. Excludes Hamilton County from the prohibition. Also provides that a municipality may continue to have policies regarding the use of department vehicles while not on duty and required call out times or response times to an emergency.

Effective March 24, 2022.

Chapter No. 741 (HB2356/SB2324). Authorization to establish term limits provided. Amends T.C.A. § 6-3-113 by authorizing the Board of Mayor and Aldermen in a municipality with a general law mayor-aldermanic charter and a population of at least 60,000 according to the 2020 federal census, to adopt an

ordinance by a 2/3 vote at 2 separate meetings, establishing term limits for the mayor and aldermen. Requires the term limits to be approved through a referendum.

Effective March 24, 2022.

Chapter No. 749 (HB2465/SB2572). Immunity from liability established for use of an opioid antagonist in certain circumstances. Amends T.C.A. § 63-1-152 by authorizing a municipal entity or law enforcement officer, firefighter, emergency services personnel or other person who responds to calls for emergency assistance from a 911 call, pursuant to a standing order, to receive and store an opioid antagonist and provide it directly or indirectly and at no cost to an individual at risk for experiencing a drug-related overdose or a family member, friend, or other individual in a position to assist an individual at risk for experiencing a drug-related overdose. Also provides that an individual can administer to another individual an opioid antagonist when the individual has a good faith belief that the other individual is experiencing a drug-related overdose and the individual exercises reasonable care in administering the opioid antagonist. Provides immunity from civil liability for an individual or municipal entity that administers an opioid antagonist pursuant to the language herein.

Effective July 1, 2022.

Chapter No. 765 (HB2653/SB2515). “Tennessee Community Gardening Act” amended. Amends T.C.A. § 43-24-102(5) by expanding the definition of “vacant public land” in the Tennessee Community Gardening Act to allow community gardens to be established on land owned by a local government that is not in use for public purposes, including on property controlled by a parks and recreation department or similar entity that is not currently being used as park land.

Effective March 31, 2022.

Chapter No. 771 (HB1876/SB1801). Municipalities prohibited from limiting or prohibiting the use of certain refrigerants. Amends T.C.A. § 68-120-101 by prohibiting a statewide building construction safety standard or another standard or requirement adopted by a municipality from prohibiting, limiting, or having the effect of prohibiting or limiting the use of refrigerant that is designated and acceptable for use pursuant to and in accordance with 42 U.S.C. §7671k, as long as the equipment that contains such refrigerant is listed and installed in accordance with the safety standards and use conditions imposed by federal law or rule for safe alternatives as designated by 42 U.S.C. §7671k .

Effective April 8, 2022.

Chapter No. 772 (HB1965/SB1928). The use of golf carts authorized in Clarksville’s retail and entertainment district. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by authorizing any person who owns, operates or is employed by a business within or adjacent to Clarksville’s retail and entertainment district to use golf carts on any public roadway within the retail and entertainment district, except those that are part of the Interstate and National Defense Highway System, when the roadway is closed to motor vehicle traffic. Requires the Council to adopt an ordinance by a 2/3 vote specifying each roadway that is open for golf cart use, before golf carts can be used on the roadways. Also includes other provisions that must be included in the ordinance and requirements that must be met by an individual using a golf cart pursuant to this provision.

Effective July 1, 2022.

Chapter No. 775 (HB2050/SB1993). New certification required from vendors of certain contracts.

Amends Tennessee Code Annotated, Title 12, Chapter 4, Part 1 by prohibiting a municipality from entering into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and will not for the duration of the contract engage in, a boycott of Israel. Includes that this provision does not apply to a contract with a total potential value of less than \$250,000 or to contractors with less than 10 employees. Provides that a contract entered into on or after July 1, 2022, that does not comply with this provision is void. Authorizes the Commissioner of Finance and Administration to promulgate rules consistent with this provision.

Effective April 8, 2022, for purposes of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 786 (HB2156/SB2409). Health department provisions amended. Amends T.C.A. § 68-2-603 by removing the language that stated that the Commissioner of Health was authorized to appoint a county health officer with the approval of the county mayor. Inserts instead that the Commissioner of Health is authorized to make the appointment of the county health officer. Also amends T.C.A. § 68-2-609 by adding that the county health officer is authorized to establish rules that are necessary or appropriate to protect the general health and safety of the county, except as provided in Title 14 and T.C.A. § 68-2-611. Also amends T.C.A. § 68-2-611 by adding that the exclusive jurisdiction given to the governor to issue executive orders and directives relative to county health departments during a pandemic, is limited to executive orders and directives related to the pandemic.

Effective April 8, 2022.

Chapter No. 796 (HB2725/SB2704). Provision related to membership on historic zoning commissions amended. Amends T.C.A. § 50-1-304 by requiring a vacancy on a historic zoning commission to be filled for the unexpired term by the chief executive of the municipality, subject to confirmation by the local legislative body. Also authorizes the removal of an appointed member of a historic zoning commission by the chief executive of the municipality, subject to confirmation by the local legislative body.

Effective April 8, 2022.

Chapter No. 802 (HB1137/SB1197). Prohibition on shutting down worship services adopted. Amends T.C.A. § 68-2-609 by adding that a county health officer is prohibited from closing a church or religious organization for purposes of worship services. Also adds that an order issued in violation of this provision is void and unenforceable. Also amends T.C.A. § 58-2-107 by adding that during a state of emergency, major disaster, or natural disaster, the State, a municipality, or a municipal official is prohibited from shutting down the operations of a church or religious organization for purposes of worship services.

Effective April 8, 2022.

Chapter No. 844 (HB2242/SB2835). Minimum Statewide building construction standards amended. Amends T.C.A. § 68-120-101(a)(9) by adding that the minimum Statewide building standards established by the State Fire Marshal are to include provisions for multi-level commercial and residential structures

relative to mitigating structural collapse that may result from explosive devices, including but not limited to, methods to deter entry into a structure by a motor vehicle.

Effective April 20, 2022, for purposes of promulgating rules and January 1, 2023, for all other purposes.

Chapter No. 856 (HB2864/SB2889). Electronic meetings language in the ‘Tennessee Open Meetings Act’ amended. Amends T.C.A. § 8-44-108(a)(1) by removing the authority for municipalities with general law manager-commission charters that have 3 commission members and more than 2,500 residents according to the 2000 federal census or any subsequent federal census, to conduct meetings electronically.

Effective July 1, 2022.

Chapter No. 861 (HB0653/SB0535). Payment through certain forms of currency prohibited without approval of the State Treasurer. Amends Tennessee Code Annotated, Title 9, Chapter 3 by prohibiting a municipality, metropolitan government, public building authority or school district from paying, compensating, awarding or remitting funds, or facilitating, directly or indirectly, the conversion of compensation or funds to blockchain, cryptocurrency, non-fungible token, or virtual currency to or for an individual person, corporation, or other entity without the approval of the State Treasurer. Also prohibits a municipality, metropolitan government, public building authority or school district from procuring services for the above-referenced prohibited actions without the approval of the State Treasurer.

Effective April 14, 2022, and repealed June 30, 2025.

Chapter No. 862 (HB0813/SB0693). “Tennessee Food Freedom Act” enacted. Amends Tennessee Code Annotated, Title 53, Chapter 1, Part 1 by enacting the “Tennessee Food Freedom Act” which exempts from licensing, permitting, inspecting, packaging, and labeling laws, except as provided in this Act, the production and sale of homemade food items. Preempts municipalities and metropolitan governments from prohibiting and regulating the production and sale of homemade food items.

Effective July 1, 2022.

Chapter No. 871 (HB1698/SB2055). “Tennessee Blasting Standards Act” enacted. Amends Tennessee Code Annotated, Title 68, Chapter 1, Part 1 by replacing the “Tennessee Blasting Standards Act of 1975” with the “Tennessee Blasting Standards Act”, which includes a number of new procedural requirements for entities engaged in blasting. Also adds that when a utility provider requires blasting to restore services in unusual circumstances, the public utility provider, or the provider’s designated contractor, may begin blasting operations prior to notifying the Department of Commerce and Insurance, as long as the notice is provided as soon as possible.

Effective April 14, 2022, for purposes of promulgating rules and July 1, 2022, for all other purposes.

Chapter No. 890 (HB1949/SB2564). Process for setting salaries for members of a council in a municipality with a general law modified manager-council charter amended. Amends T.C.A. § 6-32-110 by authorizing a council in a municipality with a general law modified manager-council charter to adopt an ordinance by 2/3 vote of the entire membership that allows the council to fix the salaries of the mayor and members of the council annually at the time that the operating budget is adopted, provided an increase or decrease in salary must not take effect prior to the end of the term for which members of the council are elected.

Effective April 14, 2022.

Chapter No. 896 (HB1960/SB1884). Provisions related to COVID-19 amended. Section 1 amends T.C.A. § 14-6-104 by adding that on July 1, 2023, Tennessee Code Annotated Title 14 terminates, except chapter 5 of the title and Tennessee Code Annotated § 14-1-101, which includes definitions and Tennessee Code Annotated § 14-2-101, which prohibits municipalities and LEAs from mandating that a person receive a COVID-19 vaccination or mandating proof of vaccination as a condition of accessing a school's premises or receiving the benefits of a school's products or services. Section 2 deletes many of the definitions included in T.C.A. § 14-1-101.

Section 1 effective April 19, 2022, and Section 2 effective July 1, 2023.

Chapter No. 907 (HB0715/SB0694). "Hemp concentrate" defined and possession of hemp concentrate established as an exception to the offense of possession of a controlled substance in certain situations. Amends T.C.A. § 43-27-101 by defining "hemp concentrate" as "a concentrate with a delta-9 tetrahydrocannabinol (THC) concentration of not more than five percent (5%) that is derived from hemp solely for purposes of reconstitution into consumer products with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%)." Also amends T.C.A. § 39-17-427 by making it an exception to the offense of possession of a controlled substance when the only cannabis in the possession of a person is hemp concentrate as defined above and the person is transporting the hemp concentrate within this State from the location where the hemp concentrate was produced to a location where the hemp concentrate is to be reconstituted into consumer products with a delta-9 THC concentration of not more than three-tenths of a percent (0.3%), and the person transporting the hemp concentrate maintains proof of a grower's license from the Tennessee Department of Agriculture in the transport vehicle.

Effective April 22, 2022.

Chapter No. 930 (HB1871/SB1982). Prohibition against adopting an ordinance that treats individuals with acquired immunity differently than those who have received a COVID-19 vaccination. Amends Tennessee Code Annotated, Title 14, Chapter 2, Part 1 by prohibiting a municipality or LEA from adopting or enforcing a statute, ordinance, rule, policy, or practice arising from COVID-19 that (1) fails to recognize acquired immunity as providing a level of immune protection that is at least as protective as a COVID-19 vaccine or treats individuals with acquired immunity differently than individuals who have received the COVID-19 vaccine. "Acquired immunity" is defined as "an acquired specific immune system response to the SARS-CoV-2 virus that is acquired naturally as a result of an individual's prior infection

with SARS-CoV-2 virus and verified by either a letter from a licensed physician or documentation from a laboratory test showing antibody, memory cell, or T cell immunity.

Effective April 29, 2022.

Chapter No. 1008 (HB2503/SB2690). Provisions related to the voluntary surrender of a newborn to a hospital, community clinic, certain fire departments and police departments amended. Amends T.C.A. § 68-11-255 by allowing for the voluntary surrender or delivery of a newborn at a hospital, community clinic, fire station open 24 hours a day or police department open 24 hours a day when the newborn infant is left on facility premises with a facility employee or member of the professional medical community, or in a newborn safety device, and the newborn infant: 1.) was born within the preceding fourteen-day period, as determined within a reasonable degree of medical certainty; 2.) is left in an unharmed condition; and 3.) is voluntarily left by a person who purports to be the newborn infant's mother who does not express an intention of returning for the newborn infant.

Also provides that the facility employee or member of the professional medical community at the facility who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of this section, must immediately arrange for the newborn infant to be taken to the nearest hospital emergency room. Requires the hospital to immediately notify the Tennessee Department of Children's Services (hereinafter "TDCS") that the surrendered newborn infant is at the hospital. Upon notification, the TDCS must immediately assume care, custody, and control of the newborn infant.

Effective May 9, 2022.

Chapter No. 1037 (HB2780/SB2547). Court clerks authorized to enter into agreements for fingerprint-based background checks with certain vendors. Amends T.C.A. § 38-6-109 by authorizing a court clerk to enter into agreements with a fingerprint vendor that is under contract with the Tennessee Bureau of Investigation (hereinafter "TBI") for purposes of providing fingerprint capture services for fingerprint-based background checks permitted by law. Requires the agreement to be limited to fingerprint capture services for fingerprint-based background checks permitted by law and processed by the TBI. Includes that the terms of an agreement between the fingerprint vendor and court clerk must not conflict with or negate a contractual obligation that the fingerprint vendor has with the TBI.

Effective May 11, 2022.

Chapter No. 1091 (HB0335/SB1569). "Barry Brady Act" amended to add additional cancers. Amends T.C.A. § 7-51-201(d)(2)(A) by adding leukemia and testicular cancer to the list of cancers that firefighters must be screened for and test negative for initially in order to utilize the presumption established in the Barry Brady Act.

Effective July 1, 2022.

Chapter No. 1117 (HB2671/SB2448). Date extended on provisions related to municipalities being immune from liability for any loss, damage, injury, or death arising from COVID-19. Amends T.C.A. §§ 29-20-205(10) and 29-20-310(f)(4), by extending until July 1, 2023, a municipality's immunity from liability for any loss, damage, injury, or death arising from COVID-19, unless the claimant proves by clear

and convincing evidence that the loss, damage, injury, or death was proximately caused by an act or omission by the municipality or its employees constituting gross negligence.

Effective June 1, 2022.

Labor

Chapter No. 832 (HB0575/SB0858). E-Verify provisions amended. Amends T.C.A. § 50-1-703(a)(6) by providing that when a municipal employer has less than 35 full-time equivalent employees, the Office of Employment Verification Assistance must, at no charge to the municipal employer, enroll the employer in the E-Verify program or conduct work authorization status checks of the employer's employees by using E-Verify, after the municipality signs a required form and completes the required paperwork. Also amends T.C.A. § 50-1-703(a)(1)(B)(ii) by providing that when an employer enrolls in E-Verify prior to hiring an employee, instead of requesting and maintaining certain government issued documents, the employer is required to maintain the case results for each employee that show the employee is authorized to work in the U.S. Requires the case results to visibly show the employees work authorization status. Also amends Tennessee Code Annotated, Title 50, Chapter 1, Part 8 to include that an employee does not have a civil cause of action against an employer for wrongful or retaliatory discharge, when the employee is not authorized to work in the U.S. under federal immigration laws and the employer was not aware that the employee was not authorized to work in the U.S. Also amends Tennessee Code Annotated, Title 4, Chapter 21, Part 4 by providing that if an employer discovers that an employee is not authorized to work in the U.S. through results produced by E-Verify and discharges the employee based upon the results, then the employee does not have a cause of action for discrimination based upon national origin under the Tennessee Human Rights Act.

Effective May 9, 2022.

Chapter No. 870 (HB2078/SB2042). "Tennessee Integrated and Meaningful Employment Act" enacted. Amends Tennessee Code Annotated, Title 50, Chapter 2, Part 1 by enacting the "Tennessee Integrated and Meaningful Employment Act" which requires "employers" to pay employees at least federal minimum wage, regardless of the subminimum wage authorized pursuant to 29 U.S.C. § 214(c).

Effective July 1, 2022.

Chapter No. 1078 (HB0204/SB0136). "CROWN Act: Create a Respectful and Open World for Natural Hair" enacted. Amends Tennessee Code Annotated, Title 50, Chapter 1, Part 3 by enacting the "CROWN Act: Create a Respectful and Open World for Natural Hair" which prohibits a municipality from adopting a policy that does not permit an employee to wear the employee's hair in braids, locs, twists, or another manner that is part of the cultural identification of the employee's ethnic group or that is a physical characteristic of the employee's ethnic group. Provides that this prohibition does not apply to: 1.) a public safety employee, if it would prevent the employee from performing essential functions of the employee's job requirements; or 2.) a policy that a municipality must adopt to adhere to common industry safety standards, to maintain reasonable safety measures, or to comply with federal or state laws, rules, or regulations relative to health or safety.

Effective July 1, 2022.

Law Enforcement

Chapter No. 646 (HB0549/SB0278). Petition to exchange firearms for other equipment. Amends T.C.A. § 39-7-1317(l) by authorizing a police chief to petition the criminal court or the court in the official's county having criminal jurisdiction for permission to exchange firearms that have previously been properly titled to the law enforcement agency or the drug task force for other firearms, ammunition, body armor, or equipment suitable for use for legitimate law enforcement purposes by the law enforcement agency or drug task force.

Effective March 11, 2022, with retroactive application to March 1, 2020.

Chapter No. 694 (HB0328/SB0399). Mandatory DUI testing training for certain officers authorized. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1 by adding that each law enforcement officer assigned to the traffic division of a local law enforcement agency or its equivalent, or any law enforcement officer for whom the chief deems it necessary, must undergo training on the proper testing procedures to use when investigating cases of suspected DUI. Provides that for certifications completed on or before January 1, 2023, the training required by this provision must be completed as part of the required in-service training to maintain P.O.S.T. certification.

Effective March 18, 2022.

Chapter No. 732 (HB1734/SB1751). Eligible recipients of Three Stars of Tennessee Award amended. Amends T.C.A. § 4-1-501 by establishing a process for selecting the recipients of the Three Stars of Tennessee Award. Also includes that when the governmental entity for which the peace officer worked at the time of the officer's death attests in writing that a good faith effort was made to no avail to contact the officer's surviving next of kin for receipt of the award, the governmental entity qualifies as the surviving next of kin for purposes of receipt of the award.

Effective March 24, 2022.

Chapter No. 847 (HB2442/SB2825). Provision related to the hiring of a permanent legal U.S. resident as a law enforcement officer amended. Amends T.C.A. § 38-8-105(d) by removing the requirement that a permanent legal U.S. resident hired as a law enforcement officer also be honorably discharged from the U.S. armed forces.

Effective April 20, 2022.

Chapter No. 995 (HB2589/SB2742). Requirements for law enforcement officer training amended. Amends T.C.A. § 37-1-603(b)(4) by adding that the basic certificate issued by the P.O.S.T. Commission must include adequate instruction in the detection of child abuse and child sex abuse and in the proper actions that should be taken in a suspected child abuse or child sex abuse case. Also requires the instruction to be included as part of the in-service training requirements for eligibility for the salary supplement. Encourages police departments throughout the State to establish child abuse and child sex crime investigation units.

Effective May 4, 2022.

Chapter No. 1146 (HB2572/SB2872). Task force established to review the retirement benefits of law enforcement officers. Amends various provisions with Tennessee Code Annotated Title 8 by establishing a task force to be comprised of 11 members, including a representative from the Tennessee Association of Chiefs of Police and the Tennessee Municipal League, that will study retirement benefits provided to law enforcement officers. Requires the findings and recommendations of the task force to be completed by January 1, 2023.

Effective June 3, 2022.

Motor Vehicles and Traffic

Chapter No. 679 (HB1697/SB2054). Definition of “traffic or police officer” expanded for purposes of who can direct traffic in a manner that conflicts with traffic control devices. Amends T.C.A. § 55-8-109 by providing that a driver is required to obey the instructions of any official traffic control device, unless otherwise directed by a traffic or police officer. Expands the definition of “traffic or police officer” to include retired law enforcement officers certified to carry a firearm pursuant to the language in T.C.A. § 38-8-116(b). Requires the officer to provide the chief law enforcement officer in the jurisdiction at least 24 hours’ notice, or when there is an emergency, notice as soon as possible, of when the officer will be directing traffic.

Effective July 1, 2022.

Chapter No. 792 (HB2550/SB2512). Fine increased for certain citations issued for failure to stop for a school bus. Amends T.C.A. § 55-8-151(c)(3)(A) by increasing the fine for failure to stop for an approaching school bus from not more than \$50 to \$200, when the evidence is based solely upon cameras installed on the exterior of the bus.

Effective July 1, 2022.

Chapter No. 820 (HB2771/SB2787). Instructional materials to be produced related to law enforcement interaction. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 1 by requiring the Tennessee Department of Safety, working with local law enforcement, to produce informational materials on how a person should interact with law enforcement when being pulled over. Requires the informational material to include specifically enumerated information.

Effective October 1, 2022.

Personnel-Benefits

Chapter No. 676 (HB0456/SB1473). Auto enrollment in automatic deferred or tax-sheltered compensation plans (457(b) plans) authorized. Amends T.C.A. § 8-25-104 by authorizing a political subdivision or an instrumentality of a political subdivision that has at least 1,000 employees to implement, adopt, or administer an automatic deferred or tax shelter compensation program. Provides that an employee eligible to participate in the plan can be required to do so as a condition of

employment, unless notice is provided to the employer that the employee elects not to participate.

Effective March 28, 2022.

Chapter No. 797 (HB2450/SB2812). Process established for purchasing retirement credit from a previous municipal employer. Amends T.C.A. § 8-34-607 by removing the language that allowed a municipal employee who is a member of the Tennessee Consolidated Retirement System (hereinafter “TCRS”) to obtain creditable service for prior service after providing the required notice, and inserting instead language that outlines a process for a member of TCRS to purchase retirement credit for the member’s previous service rendered while a full-time employee and participating member of a municipality’s defined benefit retirement plan.

Effective April 8, 2022.

Chapter No. 819 (HB2683/SB2871). Emergency communications personnel eligible for early service retirement in certain situations. Amends T.C.A. § 8-36-308 by providing that emergency communication personnel, defined as “a person employed as an emergency communications worker, public safety dispatcher, emergency communications telecommunicator, or emergency call taker” are eligible for early service retirement under this provision when the employing entity offers the benefit. Includes that the employing entity is 100% responsible for any increased cost in providing the benefit.

Effective January 1, 2023.

Chapter No. 821 (HB2783/SB2702). Reemployment of certain teachers, substitute teachers and bus drivers authorized after retirement without loss or suspension of retirement benefits. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 8 by authorizing the reemployment of a retired member of TCRS or a local retirement fund established pursuant to Tennessee Code Annotated, Title 8, Chapter 35, Part 3, without the loss or suspension of retirement benefits when the member is reemployed as a K-12 teacher, K-12 substitute teacher or K-12 bus driver, when certain conditions are met. Provides that in order to fund the liability created by this provision, the retired member’s new employer is required to pay into TCRS. Also includes notification and certification requirements that the new employer must provide to TCRS.

Effective July 1, 2022, and repealed June 30, 2025.

Chapter No. 854 (HB2733/SB2879). Veterans’ Day required to be a non-paid holiday for veterans under certain conditions. Amends Tennessee Code Annotated, Title 15, Chapter 1 by requiring a municipality to allow veteran employees to have the entirety of November 11th off from work as a non-paid holiday when: 1.) the veteran employee provides the employer notice at least one month prior to November 11th that employee intends to take the entirety of the day as a non-paid holiday; 2.) the veteran employee provides the municipal employer proof of veteran status; and 3.) the veteran employee’s absence, either alone or in combination with other veteran employees’ absences, will not impact public health or safety or cause the municipality significant economic or operational disruption, as determined by the municipality. Also provides that an employer can allow the veteran employee to have the entirety of November 11th as a paid holiday.

Effective April 20, 2022.

Chapter No. 1057 (HB1852/SB2057). TCRS retirement credit authorized for military service during a period of armed conflict. Amends T.C.A. § 8-34-605(d) by authorizing members of TCRS who performed active-duty military service in the armed forces of the United States during any period of armed conflict to establish retirement credit for that military service under certain enumerated circumstances. "Period of armed conflict" is defined. Provides that municipalities may opt to provide this benefit but are not required to do so and that in no case can the retirement credit exceed 4 years.

Effective May 25, 2022.

Planning

Chapter No. 993 (HB2503/SB2690). Provisions related to the adoption of an amendment to the general plan amended. Amends T.C.A. § 13-3-304 by removing the language that authorized a regional planning commission to initiate and adopt an amendment to the general plan for the region, which became operative without any action by the legislative body, in those counties identified by population brackets. Also removes the language that provided that if an amendment to the general plan was not approved by a planning commission or the planning commission decided not to make a recommendation on the amendment, the amendment would not become operative in those counties identified by population brackets. Also amends T.C.A. § 13-4-202 by removing the same language related to general plans for municipalities with municipal planning commissions.

Effective July 1, 2022.

Chapter No. 994 (HB2534/SB2692). Process of approval of subdivision plats by regional and municipal planning commissions amended. Amends T.C.A. § 13-3-402 related to regional planning commissions by first providing that when a plat of a subdivision divides the tract into no more than 25 lots if the development received preliminary plan approval through the regional planning commission, or 5 lots if the development did not require preliminary plan approval through the regional planning commission, the approval may be endorsed in writing on the plat by the secretary of the commission or by another designee of the regional planning commission without the approval of the regional planning commission, upon certification by the regional planning commission, or by the planning staff of the regional planning commission, if the commission has delegated this authority to its planning staff pursuant to this provision, that the subdivision complies with such regulations governing a subdivision of land as have been adopted by the regional planning commission pursuant to T.C.A. § 13-3-403.

Provides that a county register shall not receive, file, or record a plat of a subdivision, or an amendment, modification, or correction to a recorded plat of a subdivision, without the approval of the regional planning commission, or the planning staff of the regional planning commission if this responsibility has been delegated to the planning staff pursuant to this provision, when and as required by this part.

Also includes parameters related to when a regional planning commission may delegate the responsibility for approval of a subdivision plat to staff. Adds that a regional planning commission must not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters in this provision, unless each county and municipal legislative body, lying in whole or in part

within, and subject to, the jurisdiction of the regional planning commission, approves such delegation by a majority vote of their respective legislative bodies.

Also amends T.C.A. § 13-3-402 by adding the same language relative to municipal planning commissions, except that the provision specifies that in addition to the requirement that the municipal legislative body approve staff of a municipal planning commission approving certain subdivision plats, the delegation of approval by the municipal planning commission to staff can occur only after being adopted by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.

Effective May 4, 2022.

Chapter No. 1128 (HB2274/SB2849). Planning commissions prohibited from generally requiring the dedication of land or payment of fees in exchange for the approval of the development of property.

Amends T.C.A. § 13-3-403 by providing that a regional planning commission is prohibited from requiring an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. Includes that an owner of private property required to make a dedication or pay money in violation of this provision may seek relief through a common law writ of certiorari in chancery court. Requires regulations adopted by regional planning commissions to include this prohibition. Also amends T.C.A. § 13-4-303 to include the same prohibition and requirement for municipal planning commissions.

Effective July 1, 2022.

Purchasing

Chapter No. 1016 (HB2600/SB2489). Threshold for competitive sealed bids increased. Amends T.C.A. § 12-3-1212 by providing that a municipality with centralized purchasing authority and a “full-time purchasing agent,” may, by ordinance of its governing body, increase the threshold over which public advertisement and sealed competitive bids or proposals are required, to an amount not to exceed \$50,000 for nonemergency, nonproprietary purchases. Provides that a municipality without centralized purchasing authority may, by ordinance of its governing body, increase the threshold over which public advertisement and sealed competitive bids or proposals are required, to an amount not to exceed \$25,000 for nonemergency, nonproprietary purchases. Requires at least 3 written quotations to be obtained, when possible, for purchases costing less than the bid threshold established herein, but more than 40% of the bid threshold or some lower amount as may be established by the governing body in an ordinance. Requires purchases of like items to be aggregated for purposes of the bid threshold. Defines “full-time purchasing agent.”

Effective May 11, 2022.

Records

Chapter No. 721 (HB1854/SB1682). Clarifying language added to the provisions related to accessing public records. Amends T.C.A. § 10-7-503(a)(2)(B) by clarifying that within 7 business days from the date a public records request is received by the public records request coordinator, one of three actions must be taken, to include making the requested records available to the requestor. Also amends T.C.A. § 10-7-503(a)(4) by clarifying that municipal staff is not required to sort through files to compile information into a new record. Finally, amends T.C.A. § 10-7-503(a)(2)(7)(vi) by clarifying that when a municipality requires government-issued photo identification that includes the requestor's address to inspect or receive copies of records and a requestor does not possess photo identification, the municipality may require other forms of identification evidencing that the requestor is a resident of Tennessee.

Effective July 1, 2022.

Chapter No. 740 (HB2089/SB2268). Records related to Handle with Care Program notifications made confidential. Amends T.C.A. § 10-7-504 by making the records generated as a result of the Handle with Care program, which alerts schools and childcare agencies when a student is potentially exposed to an adverse childhood experience, confidential and not available for release.

Effective March 24, 2022 and repealed July 1, 2027.

Chapter No. 850 (HB2613/SB2802). Requires certain information about law-enforcement related deaths to be open for public inspection. Amends T.C.A. § 38-10-102 by requiring that all municipal law enforcement and correctional agencies mandated to provide a report related to law enforcement-related deaths to the director of TBI, maintain a record of the deaths of individuals in police custody, that includes the name and age of the deceased individual, the time and date of death, and the cause of death as determined by the medical examiner. Provides that the record is to be open to public inspection.

Effective April 20, 2022.

Chapter No. 916 (HB1957/SB2061). Language related to the confidentiality of certain recordings from body worn cameras amended. Amends T.C.A. §10-7-504(u)(5) by extending the repeal date of the provision that makes certain footage from body worn cameras confidential to July 1, 2027. Also adds that footage taken in childcare agencies, as defined by T.C.A. § 71-3-501, childcare programs, as defined by T.C.A. § 49-1-1102, preschools, and nursery schools is confidential.

Effective April 27, 2022, and repealed July 1, 2027.

Chapter No. 989 (HB1760/SB2819). Clarifies which records related to public employees are required to be maintained as confidential. Amends T.C.A. § 10-7-504(f) by clarifying that "records and information" about an employee that is required to be maintained as confidential by a municipality in its capacity as an employer are employment records only. Also includes that the records are confidential regardless of what office or department within the municipality maintains them.

Effective May 4, 2022.

Chapter No. 1064 (HB2308/SB2725). Photographic evidence of deceased victim at the scene of a motor vehicle accident required to be maintained as confidential. Amends T.C.A. § 10-7-504(aa) by making the photographic evidence of a deceased victim at the scene of a motor vehicle accident confidential. Allows the estate of the victim to waive the confidentiality of the records.

Effective July 1, 2022.

Chapter No. 1077 (HB2763/SB2801). Certain provisions allowing the release of personal information in motor vehicle records deleted. Amends T.C.A. § 55-25-107(b) by removing the provisions that allowed personal information obtained from motor vehicle records maintained by the Department of Revenue or Department of Safety to be disclosed in response to requests for individual motor vehicle records or requests for bulk distribution for surveys, marketing or solicitations, when the State obtained the express consent of the person to whom the personal information pertained.

Effective May 25, 2022.

Taxes-Hotel/Motel

Chapter No. 876 (HB2132/SB2139). Occupancy tax increase authorized for Lynchburg/Moore County and Hartsville/Trousdale County. Amends T.C.A. § 7-4-102 by authorizing the governing bodies of Lynchburg/Moore County and Hartsville/Trousdale County to pass ordinances levying an additional occupancy privilege tax of no more than 3% of the consideration charged by the operator of a hotel in each jurisdiction.

Effective April 14, 2022.

Taxes-Property

Chapter No. 658 (HB1858/SB1688). Definition of “forest land” clarified for purposes of determining greenbelt eligibility. Amends T.C.A. § 67-5-1004 by including that in order for property to be classified as “forest land” for purposes of being eligible for reduced property taxes under the greenbelt law, the forest land must, at a minimum, be a single tract of land that is at least 15 acres or 2 noncontiguous tracts of land within the same county totaling 15 acres that are separated only by a road, body of water, or public or private easement and together constitute a forest unit.

Effective March 15, 2022.

Chapter No. 672 (HB1955/SB1907). New exception added that allows for the waiver or release of property taxes, interest and cost. Amends T.C.A. § 67-5-2803 by adding a new exception to the prohibition against a person, public official, governmental entity or court having the power or authority to waive, compromise, remit, prorate, apportion or release property taxes, penalty, interest or court costs or the first lien securing the same. Adds T.C.A. § 67-5-2508, which provides, “Upon the purchase of land by a municipality at a delinquent tax sale for municipal taxes only, and after the period of redemption has lapsed, the municipality may, upon a majority vote of the governing body determining it

impracticable to sell the property for the full amount of the taxes, penalty, cost and interest, sell the property for less than this amount” as an exception.

Effective March 18, 2022.

Chapter No. 698 (HB1729/SB1677). Process for revocation of tax-exempt status established. Amends T.C.A. § 67-5-212(b)(5) by inserting the process that is to be used when the State Board of Equalization, either upon its own initiative or based upon a written complaint from any person, revokes the tax-exempt status of property.

Effective March 18, 2022.

Taxes-Sales

Chapter No. 1053 (HB1738/SB2799). Sales tax holiday on gun safes and gun safety devices extended. Amends T.C.A. § 67-6-393(i)(1) by extending the sales tax holiday on gun safes and gun safety devices until June 30, 2023.

Effective May 25, 2022.

Chapter No. 1065 (HB2378/SB2164). Certain computer software services exempt from sales tax. Amends T.C.A. § 67-6-387 by exempting from sales and use tax, the installation and repair of computer software by a person, including the person’s agent or direct employee, for the person’s own use and consumption.

Effective July 1, 2022.

Chapter No. 1069 (HB2609/SB2890). Local sales tax revenue generated from the sale of tickets, food, drinks, merchandise and parking at Chattanooga Lookout games authorized to be used to pay debt service on a new stadium. Amends T.C.A. § 67-6-103 by authorizing the local sales tax revenue generated from the sale of tickets, food, drinks, merchandise and parking at Chattanooga Lookout games to be used to pay debt service on a new stadium. Includes that the portion of the local sales tax allocated for schools is to remain allocated for schools.

Effective May 25, 2022.

Chapter No. 1102 (HB2608/SB2480). “Tennessee Broadband Investment Maximization Act of 2022” enacted. Amends Tennessee Code Annotated, Title 67, Chapter 6, Part 3 by enacting the “Tennessee Broadband Investment Maximization Act of 2022” which provides that beginning July 1, 2022, through June 30, 2025, purchases and leases of all equipment, machinery, software, ancillary components, appurtenances, accessories, or other infrastructure that is used in whole or in part to: 1.) produce broadband communications services, including broadcasting, distributing, sending, receiving, storing, transmitting, retransmitting, amplifying, switching, providing connectivity for, or routing communications services; or 2.) provide Internet access, are exempt from sales and use tax. Includes that this exemption from sales and use tax does not apply to the retail sale of personal consumer electronics, including, but not limited to, smartphones, computers, and tablets, and consumer-grade

modems and Wi-Fi routers. Also provides that beginning July 1, 2022, the Commissioner of Revenue must reimburse municipalities for loss of revenue resulting from the tax exemption provided for in this act. Subject to appropriations, a sum must be earmarked and allocated from the general fund for this purpose.

Effective May 31, 2022.

Chapter No. 1104 (HB1405/SB0905). Tangible personal property sold to a qualified farmer or nurseryman and used primarily for agricultural operations exempt from sales tax. Amends T.C.A. § 67-6-207 by exempting tangible personal property sold to qualified nurserymen and farmers from sales and use tax, when the tangible personal property is used primarily in agricultural operations. Includes that this exemption does not apply to automobiles, trucks, household appliances, and gasoline or diesel used in vehicles operated upon Tennessee highways.

Effective January 1, 2023.

Tobacco

Chapter No. 810 (HB2058/SB2035). Smokeless nicotine products added to the list of products that cannot be sold to persons under the age of 21. Amends T.C.A. § 39-17-1503 by defining “smokeless nicotine product.” Amends T.C.A. § 39-17-1504 by making it illegal to sell or distribute smokeless nicotine products to any person under the age of 21 or purchase such products on behalf of a person under the age of 21. Also amends T.C.A. § 39-17-1505 by making it unlawful for any person under the age of 21 to possess, purchase, accept receipt of, or present fake identification for purposes of purchasing smokeless nicotine products. Also amends T.C.A. § 39-17-1551 by adding that the regulation of the field of smokeless nicotine products is preempted by the General Assembly and any regulation passed by a municipality after July 1, 2021, regulating such products is void, except that certain airport authorities and special school districts may regulate the use of smokeless nicotine products in buildings owned or leased by the entity. Amends various other provisions within Tennessee Code Annotated, Title 39, Chapter 17, Part 15 relative to the sale of smokeless nicotine products in vending machines and the signage required by vendors of the products placing individuals on notice that sales to individuals under the age of 21 is strictly prohibited.

Effective April 8, 2022.

Chapter No. 1110 (HB2705/SB2219). Municipalities and metropolitan governments authorized to regulate smoking and vaping in age-restricted venues. Amends T.C.A. § 39-17-1515 by authorizing municipalities and metropolitan governments to regulate or prohibit through the passage of an ordinance, smoking as defined in T.C.A. § 39-17-1802 and the use of vapor products in age-restricted venues, except retail tobacco stores, retail vapor product stores, and cigar bars. Also amends T.C.A. § 39-17-1503 by adding definitions for “age-restricted venue”, “cigar bar”, “retail tobacco store”, and “retail vapor product store.”

Effective July 1, 2022.

Transportation

Chapter No. 666 (HB1392/SB0825). “Tennessee Passenger Transportation Services Act” amended.

Amends T.C.A. § 7-51-1007 by authorizing a municipality or metropolitan government to regulate entry into the business of providing transportation services, including but not limited to limousines, sedans, shuttles, entertainment transportation, and taxicab services. Also includes a definition for “entertainment transportation” that includes but is not limited to a wagon pulled by a tractor or other motor vehicle. Includes that if a municipality or metropolitan government regulates businesses providing passenger transportation services pursuant to this provision, operators of the transportation services within the municipality’s or metropolitan government’s jurisdiction must comply with the safety rules and regulations and liability insurance requirements contained in Tennessee Code Annotated, Title 65, Chapter 15.

Effective March 18, 2022.

Chapter No. 710 (HB2251/SB2367). Points reduced for successful completion of certain driving schools. Amends Tennessee Code Annotated, Title 55, Chapter 8, Part 2 by authorizing a person charged with speeding and subsequently convicted, to have up to 5 points associated with the conviction removed from the person’s driving record, upon successful completion of a Department of Safety and Homeland Security defensive driving course within 90 days of the conviction. Only applicable once every 4 years and each driving course successfully completed covers one speeding offense.

Effective July 1, 2022.

Chapter No. 1015 (HB2573/SB2592). Drivers licenses of those convicted of human trafficking required to include a special designation. Amends T.C.A. § 55-50-353(b) by requiring the drivers license or photo identification license of a person convicted of human trafficking to bear a designation that will allow a law enforcement officer to identify the individual as someone who has been convicted of human trafficking. Also amends T.C.A. § 39-13-314 by authorizing a person convicted of human trafficking to obtain a drivers license, if eligible, or photo identification license that has been properly designated pursuant to the language in T.C.A. § 55-50-353(b).

Effective July 1, 2022.

Utilities

Chapter No. 657 (HB1727/SB1757). Utility training requirements amended. Amends T.C.A. § 7-34-115 by adding that each municipal utility commissioner required to obtain the training outlined in the section must file with the municipality, by January 31 of each year, an annual written statement on a form developed by the Comptroller of the Treasury that certifies the training the commissioner received during the prior calendar year. Includes specific information that must be included on the form. Requires the municipality to maintain a copy of the filed forms for 6 years following the calendar year in which the form was filed. Also amends T.C.A. § 68-221-1009 by removing the requirement that rules be promulgated by the Water and Wastewater Financing Board related to excessive water loss and instead adds that the Board can establish, adopt and endorse by formal action, parameters to define excessive water loss and investigate public water systems with excessive water loss as established by the Board’s

parameters. Also amends T.C.A. § 68-221-1012 by requiring a public water system to submit a water loss report to the Comptroller on a form prescribed by the Water and Wastewater Financing Board, at the same time the annual report required pursuant to T.C.A. § 68-221-1016(a) is due. Finally, amends T.C.A. § 68-221-1016 to require a water system that purchases more than 50% of its total water for resale to include the contract for the purchase of water for resale in the annual report required pursuant to T.C.A. § 68-221-1016(a).

Effective March 15, 2022.

Chapter No. 889 (HB2518/SB2529). Municipality authorized to enter into an agreement that allows another entity to operate within the municipal water system's territory. Amends T.C.A. § 6-51-111 by authorizing a municipal water system that has the exclusive right to perform or provide municipal and utility functions and services in a territory to enter into an agreement with a water utility district, an investor-owned water utility, a county water utility, a county water authority, or a county water and wastewater system treatment authority, that allows the other entity to operate within the municipal water system's territory. Authorizes the other water and wastewater treatment providers referenced to enter into the same type of agreement with a municipal water system.

Effective April 14, 2022.

Chapter No. 1100 (HB2246/SB2077). Municipalities preempted from prohibiting the construction, expansion, or maintenance of energy, industrial, or related transportation infrastructure within a municipality. Amends Tennessee Code Annotated, Title 7, Chapter 51 by prohibiting a municipality from prohibiting the development and implementation of the types or sources of energy that may be used, delivered, converted, or supplied by: 1.) an electric utility, an electric cooperative, or an electric system that is owned or operated by a political subdivision; 2.) an entity that generates, sells, or transmits electrical energy in accordance with all applicable requirements of state and federal law; 3.) a gas utility or a gas system that is owned or operated by a political subdivision; 4.) a gas transmission company; 5.) a liquefied petroleum gas dealer, liquefied petroleum gas dispenser, or liquefied petroleum gas cylinder exchange operator; or 6.) other liquid petroleum transmission, distribution, retail, or storage entities. Preempts and makes void any existing ordinance or resolution that constitutes a de facto prohibition of the siting, or a prohibition on construction, expansion, or maintenance, of energy, industrial, or related transportation infrastructure within the jurisdictional boundary of a political subdivision. Includes other factors that will make an existing ordinance or resolution void.

Effective July 1, 2022.

Chapter No. 1111 (HB2346/SB2282). Municipal utilities required to prepare and implement a cyber security plan. Amends Tennessee Code Annotated, Title 7, Chapter 51 by requiring any municipal-owned utility that provides electric, natural gas, or propane services to the public and any entity subject to the jurisdiction of either the Water and Wastewater Financing Board or the Utility Management Review Board to prepare and implement a cyber security plan to provide for the protection of the utility's facilities from unauthorized use, alteration, ransom, or destruction of electronic data, by July 1, 2023, or within 1 year after a utility is formed, whichever is later. Requires a utility to assess and update the cyber security plan every 2 years to address new threats. Includes that when any entity subject to this provision does not implement or update a cyber security plan as required, the Comptroller, or the Comptroller's designee, must refer the entity to either the Water and Wastewater Financing Board or

the Utility Management Review Board for sanctions, if the entity is subject to the jurisdiction of either of those boards, or the Comptroller, or the Comptroller's designee, must impose reasonable sanctions against the utility.

Effective June 1, 2022.

Chapter No. 1129 (HB1987/SB2852). Municipal utilities required to provide information related to customer connection costs. Amends Tennessee Code Annotated, Title 65, Chapter 5 by providing that upon request or application for a connection of utility service by a customer, an entity under the jurisdiction of the Water and Wastewater Financing Board, the Utility Management Review Board or a municipal-owned utility that provides electric, broadband, natural gas, or propane to the public must promptly provide the customer the connection cost. Also includes that a customer may request that the utility provide the customer connection cost in writing along with a written itemized and detailed description of the costs that comprise the connection cost. Provides that upon receipt of a request, the utility must promptly provide the customer the connection cost in writing along with a written itemized and detailed description of the costs that comprise the connection cost.

Also provides that if a utility cannot promptly provide to the customer the connection cost, the connection cost in writing, or a written itemized and detailed description of the costs that comprise the connection cost, then within fourteen (14) days from completion of the approved design, the utility must: 1.) provide to the customer in writing the connection cost and a written itemized and detailed description of the costs that comprise the connection cost; 2.) provide to the customer in writing the time reasonably necessary to calculate or determine the connection cost or to provide a written itemized and detailed description of the connection cost; or 3.) request from the customer information necessary to calculate or determine the connection cost and to provide a written itemized and detailed description to the customer as soon as practicable.

Includes that when any entity subject to this provision fails to comply with the provision, the Comptroller, or the Comptroller's designee, must refer the entity to either the Water and Wastewater Financing Board or the Utility Management Review Board for sanctions, if the entity is subject to the jurisdiction of either of those boards, or the Comptroller, or the Comptroller's designee, must impose reasonable sanctions against the utility.

Effective July 1, 2022.

Workers' Compensation

Chapter No. 715 (HB2187/SB2437). Appeal of Workers' Compensation Appeal Board decision to be heard by the Tennessee Supreme Court. Amends T.C.A. § 50-6-225(a) by providing that when any party is dissatisfied or aggrieved by a workers' compensation appeals board decision to certify a compensation order of the court of workers' compensation claims as final, the party may appeal to the Tennessee Supreme Court, where the cause will be heard and determined as provided in the Tennessee Rules of Appellate Procedure.

Effective July 1, 2022.

Chapter No. 742 (HB2463/SB2353). Timeframe for filing an annual certified financial statement extended. Amends T.C.A. § 50-6-405 by providing that evidence of the employer's financial ability to pay all claims that may arise against the employer, in the form of an annual certified financial statement, including a statement of assets and liabilities and a statement of profit and loss, is to be filed no later than the last day of the ninth month after the end of the employer's immediately preceding fiscal year.

Effective March 24, 2022.