Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

SUMMARY OF
2021 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 2021

TABLE OF CONTENTS

Alcohol	4
Authorities, Boards and Commissions	6
Crimes and Criminal Procedure	8
Economic and Community Development	14
Education	14
Elections	25
Environment	25
Finance	25
Firearms	27
General Government	28
Labor	32
Law Enforcement	32
Motor Vehicles and Traffic	34
Personnel - Benefits	34
Records	36
Taxes – Hotel/Motel	39
Taxes – Property	39
Taxes – Sales	40
Tobacco	41
Transportation	42
Utilities	42
Workers' Compensation	43

Alcohol

Chapter No. 59 (HB0377/SB0293). Removal of residency requirement for applicants for retail package store licenses. Amends T.C.A. § 57-3-204(b)(2)(A) by deleting the language that required an individual to be a resident of Tennessee for 2 years immediately preceding the date of application for a retail package store license.

Effective March 29, 2021.

Chapter No. 187 (HB1085/SB1022). Specified area in downtown Clarksville defined as "premises" for purposes of authorizing on-premises consumption. Amends T.C.A. § 57-4-104(28)(D) by designating a specified area in downtown Clarksville as "premises" for purposes of authorizing on-premises consumption. Also amends T.C.A. § 57-4-203(d)(4) by authorizing the Clarksville City Council to adopt an ordinance that reduces or prescribes the hours and days in which alcoholic beverages, beer, and wine may be consumed in the specified area, as long as the hours and days are not expanded past the current language in the statute.

Effective April 20, 2021.

Chapter No. 237 (HB1517/SB1330). Referendums authorized in St. Joseph. Amends T.C.A. §§ 57-3-106(j) and 57-4-103(a)(8) by authorizing referendums to be held in St. Joseph for both retail package stores and on-premises consumption.

Effective April 22, 2021.

Chapter No. 267 (HB1082/SB1004). On-premises consumption authorized at private institution of higher education sports facilities. Amends T.C.A. § 57-4-102(34)(E) by designating any facility on the campus of a private institution of higher education that is designated and used for sporting events authorized by the institution as a "sports authority facility" for purposes of authorizing on-premises consumption.

Effective April 30, 2021.

Chapter No. 320 (HB0339/SB0305). Various locations in Nashville authorized to sell alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(27)(CCCCC) by authorizing Gaylord Springs Golf Links to seek a caterer license and grant a franchise for purposes of authorizing on-premises consumption. Also amends T.C.A. § 57-4-102(30) by designating the Wildhorse Saloon as a "restaurant" for purposes of authorizing on-premises consumption. Amends T.C.A. § 57-4-102(25) by authorizing on-premises consumption on the principal dock of the General Jackson Showboat.

Effective May 4, 2021.

Chapter No. 330 (HB0674/SB0299). "**Food hall" designation created for purposes of on-premises consumption.** Amends T.C.A. § 57-4-102 by authorizing a "food hall" to obtain a license authorizing on-premises consumption and grant franchises to persons operating entities within the food hall that

regularly prepare and sell food within the food hall. Application limited to Nashville and Davidson County.

Effective May 4, 2021.

Chapter No. 356 (HB0845/SB0486). <u>On-premises consumption authorized for various entities</u>. Amends T.C.A. § 57-4-102 by designating the following entities as a premier type tourist resort for purposes of authorizing on-premises consumption:

Fat Daddy's Inc. in Dover, TN	Orchard Farms in Franklin, TN
Brownfield Riverside Resort in Dover, TN	Highland Manor Winery in Jamestown, TN
B&B Marina in Charleston, TN	Willow Creek Golf Course in Knoxville, TN
Mike's Hideaway Bar and Grill in Stewart, TN	Loudon Marina in Friendsville, TN
River Breeze Drive-In in Knoxville, TN	The Anakeesta Theme Park in Gatlinburg, TN
Sawbriar at Big South Fork in Allardt, TN	Tim's Ford Marina in Winchester, TN
South Jackson Civic Center in Tullahoma, TN	Windy Hill Farm and Preserve in Loudon, TN
Iroquois Club in Nashville, TN	Springbrook Golf & Country Club in Niota, TN
Broadwest in Nashville, TN	

Amends T.C.A. § 57-4-102(13) by designating Roxy Theater in Clarksville, TN, as a community theater for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Also amends T.C.A. § 57-4-102(24) by designating the Glen Campbell Museum and Rhinestone Stage in Nashville, TN, as a museum for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(34) by designating CHI Memorial Stadium in Chattanooga, TN, as sports authority facility for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective May 11, 2021.

Chapter No. 388 (HB0201/SB0244). <u>On-premises consumption authorized for various entities</u>. Amends T.C.A. § 57-4-102(13) by designating The Historic Jackson Theater and the Jonesborough Repertory Theatre in Jonesborough, TN, as community theaters for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Also amends T.C.A. § 57-4-102(18) by designating the International Storytelling Center in Jonesborough, TN as a historical interpretive center for purposes of authorizing the sale of alcoholic beverages for on-premises consumption. Amends T.C.A. § 57-4-102(20) by designating The McKinney Center and the Jonesborough Visitors Center in Jonesborough, TN, as

historic performing arts centers for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective May 11, 2021.

Chapter No. 407 (HB0682/SB1026). On-premises consumption authorized for Café Lula and surrounding area at the Ryman Auditorium. Amends T.C.A. § 57-4-102(20) by designating Café Lula in the Ryman Auditorium and the outdoor plaza area of the café as a historic performing arts center for purposes of authorizing the sale of alcoholic beverages for on-premises consumption.

Effective May 12, 2021.

Chapter No. 426 (HB1514/SB1032). Population threshold amended for purposes of alcohol referendums. Amends T.C.A. § 57-3-101 by lowering the population threshold for 925 to "700 or more, according to the 2010 federal census or any subsequent federal census" for purposes of defining a "municipality" for liquor by the drink and retail package store referendums.

Effective May 12, 2021.

Chapter No. 451 (HB0241/SB0681). Drive-thru pickup and carryout orders that include alcohol authorized in certain situations. Amends Tennessee Code Annotated, Title 57, Chapter 4, Part 1 by authorizing restaurants, limited service restaurants, and wine-only restaurants that have valid liquor by the drink licenses and are located in jurisdictions that have authorized retail package stores and liquor by the drink via referendums to offer drive-thru pickup and carryout orders of alcoholic beverages and beer at the licensee's place of business, if 1.) the sale of alcoholic beverages and beer for off-premises consumption is accompanied by the sale of prepared food in the same order 2.) the beer or alcohol is served in a secure container 3.) the quantity per purchase is not more than 16 oz. of alcohol or a single serving of beer or is a container of wine that can be legally sold in Tennessee. Requires the licensee selling the alcohol or beer to post signage and verify identification.

Effective May 14, 2021 and repealed on July 1, 2023.

Authorities, Boards and Commissions

Chapter No. 228 (HB0831/SB0787). Conflict of interest acknowledgement required for industrial development corporation board of directors. Amends T.C.A. § 7-53-301 by requiring each member of the board of directors of an industrial development corporation board to complete a conflict of interest statement acknowledging that the director received a copy of the State statute related to conflicts of interest and that he/she understands when disclosure of an indirect conflict must be made and when a direct conflict exists. Requires the Tennessee Ethics Commission to publish a sample conflict of interest statement on its public website.

Effective July 1, 2021.

Chapter No. 249 (HB0404/SB0311). Library board provisions amended. Amends T.C.A. § 10-3-103 by providing that when a municipality establishes an independent free library of its own, it shall appoint a

board of 7, 9, or 11 members. Provides that not more than 1 official of the municipal governing bodies may serve on the board. Also provides that the members shall serve without salary, at least 3 for 1 year, 2 for 2 years, and 2 for 3 years. Includes that if the board expands to more than 7 members, the additional members are appointed by the municipal legislative body to terms of 1, 2, or 3 years. Authorizes board members to serve 2 consecutive terms and be reappointed after a minimum three-year break in service, except that in municipalities with a population of more than 400,000 where the mayor has assumed the powers of the library board, the board members may serve as many consecutive terms as stated in the board's bylaws. Also includes the appointment process for municipal governing bodies having a charter form of government that participate in the joint operations of a public library. Authorizes the governing body of a municipality with a population of more than 400,000 to vest supervisory authority over the library system with the mayor by a 2/3 vote. Provides that if that occurs, the library board serves in an advisory capacity to the mayor. Authorizes a municipality in a county that does not participate in the regional library system to join the regional library system for the purpose of purchasing from contracts, with the Secretary of State's approval.

Effective July 1, 2022.

Chapter No. 300 (HB0229/SB0271). Regional Planning Commissions and natural gas transmission pipelines. Amends T.C.A. § 68-221-1010 by providing that for a new residential or nonresidential development that is located in whole or in part within 660 feet of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the developer must notify the operator of the natural gas transmission pipeline of the planned development no later than 10 days from the date of application for approval of the development, or 90 days prior to commencement of construction, whichever is earlier.

Requires the developer of the development to provide on a final plat filed with the regional planning commission a note on the plat stating:

> The developer has utilized reasonable means to notify the operator of the pipeline to verify the location of the pipeline and the pipeline easement. The developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator.

Requires that within 60 days of the effective date of this act, regional planning commissions shall gather raw National Pipeline Mapping System (NPMS) geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation. Provides that a regional planning commission is immune from liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection. Includes that this language only applies to 1.) municipalities that are governed by a regional planning commission for purposes of approving residential and nonresidential developments and 2.) preliminary development plans filed on or after the effective date of this act. Also includes that a regional planning commission is prohibited from giving final approval to a development described herein until the requirements of this provision are satisfied.

Effective July 1, 2021.

Chapter No. 433 (HB0622/SB0280). Scope of joint economic and community development board expanded. Amends T.C.A. § 6-58-114 by providing that joint economic and community development

boards are authorized to address issues impacting municipalities not directly related to economic growth such as crime and drugs, as those issues hinder development. Encourages the boards to include representation from school systems located within the county. Provides that each participating government retains full authority to approve or disapprove contributions to the budget.

Effective May 13, 2021.

Chapter No. 463 (HB0622/SB0280). Provisions related to the governing boards of human resource agencies amended. Amends T.C.A. § 13-26-103 by adding additional municipal mayor members to the governing board of a human resource agency. Also authorizes the board to conduct regular and special meetings. Also amends T.C.A. § 13-26-104 by authorizing the governing board to adopt bylaws and make certain other decisions related policy, program plans, and fiscal determinations. Requires the governing board to establish travel regulations, personnel procedures, and competitive bidding guidelines.

Effective May 18, 2021.

Crimes and Criminal Procedure

Chapter No. 60 (HB0434/SB0621). Certain victims authorized to obtain lifetime order of protection. Amends T.C.A. § 36-3-609 by authorizing an ex parte order of protection to be served within 1 year of issuance. Also amends Tennessee Code Annotated, Title 36, Chapter 3, Part 6 by authorizing the victim of a felony offense under Title 39, Chapter 13, Parts 1, 2, 3, and 5 to file for and be granted a lifetime order of protection.

Effective July 1, 2021.

Chapter No. 83 (HB0050/SB0189). "2020 Defense Doctrine" enacted. Amends various provisions within Tennessee Code Annotated, Title 39 by enacting the "2020 Defense Doctrine." Provides a defense to prosecution when an individual uses or threatens to use force intended or likely to cause death or serious bodily injury in self-defense or while under duress due to a threat of "grave sexual abuse." "Grave sexual abuse" is defined as aggravated rape, rape, rape of a child, or aggravated rape of a child. Also requires P.O.S.T. training materials and training materials for handgun safety classes to be updated by January 1, 2022 to include this Act.

Effective April 7, 2021.

Chapter No. 115 (HB0017/SB0188). Defense of self-defense amended. Amends T.C.A. § 39-11-611 by deleting the language that required a person to be engaged in lawful activity in a place the person had a right to be in order to use or threaten to use force against another person and substituting instead language that allows self-defense to be used by any person not engaged in conduct that would constitute a felony or Class A misdemeanor, when the person is in a place in which the person has a right to be. Provides that a person is not engaged in conduct that would constitute a felony or Class A misdemeanor or in a place the person does not have the right to be when the person is engaged in the activity or in the place as a victim of human trafficking.

Effective July 1, 2021.

Chapter No. 230 (HB0976/SB0706). Definition of "marijuana" amended. Amends T.C.A. § 39-17-402(16) by providing that the term marijuana does not include a product approved as a prescription medication by the United States Food and Drug Administration.

Effective April 22, 2021.

Chapter No. 236 (HB1343/SB0442). Unlawful possession of a telecommunication device. Amends T.C.A. § 39-16-201 by providing that knowingly and with an unlawful intent, possessing a telecommunication device in a penal institution is a Class E felony.

Effective July 1, 2021.

Chapter No. 243 (HB0127/SB0139). Tow truck operator exempt from offense. Amends T.C.A. § 55-8-118 by exempting tow truck operators that are responding to an emergency call received from a law enforcement agency from a Class C misdemeanor of operating a vehicle on the shoulder or right-of-way of a state highway.

Effective April 28, 2021.

Chapter No. 246 (HB0342/SB0214). Law enforcement officer required to notify DCS. Amends T.C.A. § 39-13-513 by providing that when a law enforcement officer takes a person under 18 years of age into custody for suspected prostitution, the officer is required to notify the Tennessee Department of Children's Services, upon verifying that the person is a minor.

Effective July 1, 2021.

Chapter No. 278 (HB0059/SB0129). "Spencer Bristol Act" enacted. Amends T.C.A. § 39-16-603 by providing that the act of evading arrest that results in serious bodily injury to a law enforcement officer is a Class C felony and when such act results in the death of a law enforcement officer it is a Class A felony.

Effective July 1, 2021.

Chapter No. 354 (HB0382/SB0331). Offense related to unauthorized photography expanded. Amends T.C.A. § 39-13-605 by making it an offense for a person to knowingly photograph, or cause 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 guardian, if the photograph 1.) would offend or embarrass an ordinary person if the person appeared in the photograph or 2.) is focused on the intimate area of the individual and would be considered offensive or embarrassing by the individual and the photograph was taken for the purpose of sexual arousal or gratification of the defendant. Photograph and intimate area are defined terms.

Effective July 1, 2021.

Chapter No. 355 (HB1086/SB0448). Potential exculpatory evidence required to be reported by law enforcement. Amends Tennessee Code Annotated, Title 40, Chapter 30, Part 1 by requiring a law enforcement agency that discovers new evidence deemed potentially exculpatory by the chief law enforcement officer, to report the evidence to the D.A. currently serving the jurisdiction where the case was prosecuted, the trial court in which the conviction was obtained, the individual convicted in the case, and the individual's attorney, if the individual is represented by counsel, within 30 days of

discovery of the evidence. Also amends Tennessee Code Annotated, Title 40, Chapter 30, by enacting the "Post-Conviction Fingerprint Analysis Act of 2021."

Effective July 1, 2021.

Chapter No. 363 (HB1302/SB1115). Statute of limitation removed for commercial sex trafficking involving a child. Amends T.C.A. § 40-2-101 by providing that a person can be prosecuted, tried, and punished for any offense committed against a child on or after July 1, 2021, that constitutes commercial sex trafficking, at any time after the offense is committed.

Effective July 1, 2021.

Chapter No. 364 (HB1211/SB1121). Offense of mail theft established. Amends Tennessee Code Annotated, Title 39, Chapter 14, Part 1 by making it a criminal offense to take mail from a residential mailbox or from the curtilage of a dwelling without the consent of the addressee and with the intent to deprive the addressee of the mail.

Effective July 1, 2021.

Chapter No. 371 (HB1346/SB1227). Offense of sexual exploitation of a minor expanded. Amends T.C.A. § 39-17-1002(8) by including in the definition of sexual activity, for purposes of establishing the offense of sexual exploitation of a minor, the exhibition of the breast, genitals, buttocks, anus, or pubic or rectal area of any minor that can be reasonably construed as being for the purpose of the sexual arousal or gratification of the defendant or another.

Effective May 11, 2021.

Chapter No. 394 (HB0512/SB0842). Life sentence without the possibility of parole. Amends T.C.A. § 39-13-202 by providing that a person convicted of attempted first degree murder may be sentenced to imprisonment for life without the possibility of parole, if the court finds that the offense was committed against any law enforcement officer, correctional officer, department of correction employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic, or firefighter, who was engaged in the performance of official duties, and the person knew or reasonably should have known that the victim was a law enforcement officer, correctional officer, department of correction employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic, or firefighter engaged in the performance of official duties. Also amends T.C.A. § 40-35-501 by providing that there shall be no release eligibility for an individual receiving a life sentence without the possibility of parole for first degree murder, attempted first degree murder or aggravated rape of a child.

Effective July 1, 2021.

Chapter No. 395 (HB0534/SB0627). Offense related to making a threat to commit an act of mass violence on school property or at a school-related activity created. Amends Tennessee Code Annotated, Title 39, Chapter 16, Part 5 by creating a criminal offense for recklessly threatening, through any means, to commit an act of mass violence on school property or at a school-related activity. "Mass violence," "means of communication," "school," and "school property" are defined terms. Makes the offense a Class A misdemeanor. Requires any person with knowledge of a threat of mass violence on

school property or at a school-related activity to report the threat to local law enforcement and the school that is the subject of the threat. Failure to make such a report is a Class B misdemeanor.

Effective July 1, 2021.

Chapter No. 402 (HB0012/SB0951). "April's Law" enacted. Amends T.C.A. §§ 39-17-312 and 40-39-202 by enacting April's Law which makes engaging in sexual contact with a corpse a Class E felony.

Effective July 1, 2021.

Chapter No. 418 (HB1145/SB0285). Critical infrastructure vandalism offense expanded. Amends T.C.A. § 39-14-411 by providing that the offense of critical infrastructure vandalism includes destruction or injury to a farm. Expands the definition of critical infrastructure to include a farm, which is the land, buildings, and machinery used in the commercial production of farm products and nursery stock, and the vehicles, equipment, animals, or crops contained on the farm.

Effective July 1, 2021.

Chapter No. 421 (HB1187/SB1592). Process for obtaining stored wire or electronic communications enumerated. Amends Tennessee Code Annotated, Title 40, Chapter 6, Part 1 by providing that a law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee may require the disclosure of stored wire or electronic communications, as well as transactional records pertaining to the communications, to the extent and under the procedures and conditions provided for by the laws of the United States.

Requires a provider of electronic communication service or remote computing service to provide the contents of, and transactional records pertaining to, wire and electronic communications in the provider's possession or reasonably accessible to the provider when a requesting law enforcement officer, a district attorney general or the district attorney's designee, or the attorney general or the attorney general's designee complies with the provisions for access to the communications as set forth by the laws of the United States.

Effective July 1, 2021.

Chapter No. 423 (HB1254/SB1361). Award of attorney's fees in certain asset forfeiture cases increased. Amends T.C.A. § 40-33-217 by providing that when an administrative law judge or court presiding over an asset forfeiture case enters an order that includes the return of property, the order must also include an award of reasonable attorney's fees against the seizing agency. Provides that the award of attorney's fees is not to exceed $10,000 and the failure to submit documentation of an attorney's time and expenses will result in no attorney's fees being awarded.

Effective July 1, 2021.

Chapter No. 430 (HB0150/SB0157). Offense of knowingly allowing a minor to consume alcohol expanded. Amends T.C.A. § 39-15-404 by making it an offense for a person having the exclusive use and enjoyment of property, whether owner or occupant, to knowingly allow a person to consume alcohol, wine, or beer on the property if the person knows that the person consuming the alcohol is a minor. Includes that it is an affirmative defense to prosecution under this provision if the defendant acted upon the reasonable belief that the minor was 21 years of age or older.

Also provides that a violation of this provision is a Class A misdemeanor with a mandatory minimum fine of $1,000, and 100 hours of community service work. Also authorizes the court having jurisdiction over the offender to prepare and send an order for denial of the offender's driving privileges to the Department of Safety, Driver Control Division.

Effective July 1, 2021.

Chapter No. 434 (HB0679/SB0246). Boating under the influence. Amends T.C.A. § 69-9-219 by making the offense of operating a boat subject to registration, on the public waters of the state, while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system, a Class A misdemeanor for the first three convictions and then makes the offense a felony offense for each subsequent conviction. Includes the sentencing ranges for each offense.

Effective July 1, 2021.

Chapter No. 440 (HB0681/SB0451). Offense of traveling into the State to participate in a riot created. Amends T.C.A. § 39-17-303 by making it an offense to knowingly participate in a riot when traveling from outside the State with the intent to commit a criminal offense by participating in a riot in exchange for compensation or to knowingly participate in a riot when traveling from out of state with the intent to commit a criminal offense and as the result of the riot, a person other than the participant suffers bodily injury or substantial property damage occurs. Includes that a violation of this section is a Class E felony.

Effective July 1, 2021.

Chapter No. 458 (HB0864/SB0019). Offense of assault and aggravated assault against a first responder expanded to nurses. Amends T.C.A. § 39-13-116 by expanding the offense of assault or aggravated assault against a first responder to also apply to nurses.

Effective July 1, 2021.

Chapter No. 462 (HB0924/SB0258). Authorization for use of drones without a warrant expanded. Amends T.C.A. § 39-13-609 by authorizing the use of a drone by law enforcement without a warrant or recognized exception to the warrant requirement if used in compliance and consistent with applicable federal aviation administration rules, exemptions, or other authorizations and if used 1.) to provide aerial coverage of public property, or private property with the consent of the private property owner, when deployed for the purpose of providing or enhancing security for an event open to the public, including, but not limited to, music concerts, athletic events, festivals, protests, and other outdoor events; 2.) to provide aerial coverage in case of a natural disaster when a state of emergency is declared; or 3.) to investigate the scene of a crime that is occurring or has occurred.

Effective May 18, 2021 and repealed July 1, 2024.

Chapter No. 508 (HB0417/SB1530). Severe child abuse defined to include accessibility to certain drugs. Amends T.C.A. § 37-1-102(b)(27) by including in the definition of severe child abuse knowingly allowing a child to be within a structure where any of the following controlled substances are present and accessible to the child: 1.) Any Schedule I controlled substance listed in § 39-17-406; 2.) Cocaine; 3.) Methamphetamine; or 4.) Fentanyl.

Effective July 1, 2021.

Chapter No. 509 (HB0427/SB1531). Sexual battery provision expanded. Amends T.C.A. § 39-13-505 by expanding the offense of sexual battery by including that a victim is incapable of consent if the sexual contact with the victim occurs during the course of a consultation, examination, ongoing treatment, therapy, or other provision of professional services and the defendant, whether licensed by the state or not, is a member of the clergy, healthcare professional, or alcohol and drug abuse counselor who was treating the victim for a mental, emotional, or physical condition.

Effective July 1, 2021.

Chapter No. 511 (HB0951/SB1591). Expansion of the offense of child abuse or neglect. Amends T.C.A. § 39-13-505 by expanding the offense of child abuse or neglect to include an act by any person who negligently, by act or omission, engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment. Provides that this offense is a Class A misdemeanor, except that, if the abused child is 8 years of age or less, the penalty is a Class D felony. Includes that a person engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if the person's conduct related to methamphetamine or any other controlled substance listed in chapter 17, part 4 of this title, except a Schedule VI controlled substance, exposes the child to the controlled substance and an analysis of a specimen of the child's blood, hair, fingernail, urine, or other bodily substance indicates the presence of methamphetamine or any other controlled substance listed in chapter 17, part 4 of this title, except a Schedule VI controlled substance, in the child's body.

Effective July 1, 2021.

Chapter No. 573 (HB0022/SB0014). Offense of drag racing increased to Class A misdemeanor. Amends T.C.A. § 55-10-502 by providing that any person who operates a motor vehicle upon the public highways of this state, or while on the premises of any shopping center, trailer park, any apartment house complex, or any other premises generally frequented by the public at large, or who is a participant therein, for the purpose of drag racing commits the offense of drag racing, a Class A misdemeanor, unless the premises are properly licensed for this purpose.

Effective July 1, 2021.

Chapter No. 580 (HB0733/SB0166). Offense of aggravated cruelty expanded. Amends T.C.A. § 39-14-212 by providing that a person commits aggravated cruelty to animals when, with no justifiable purpose, the person intentionally or knowingly: 1) kills, maims, tortures, crushes, burns, drowns, suffocates, mutilates, starves, or otherwise causes serious physical injury, a substantial risk of death, or death to a companion animal; or 2) fails to provide food or water to the companion animal resulting in a substantial risk of death or death.

Effective July 1, 2021.

Chapter No. 590 (HB1121/SB0476). Attempt to access confidential information criminalized. Amends T.C.A. § 37-5-107 by making it an offense for any person to attempt to access or obtain confidential information from the Department of Children's Services regarding alleged child abuse or neglect that the person knows is in violation of State or federal laws and regulations regarding confidentiality. Includes that a violation of this provision is a Class A misdemeanor.

Effective July 1, 2021.

Economic and Community Development

Chapter No. 297 (HB0968/SB0933). Incentives for the development of single-family housing authorized. Amends T.C.A. § 6-54-118 by expanding the definition "economic development" to include the appropriation of money to be used as incentives, in a manner approved by the municipal governing body, to promote the development of single-family housing by an industrial development corporation. Also amends § 7-53-101(15) by expanding the definition of "project" to include providing incentives that promote the development of single-family housing through programs approved by the municipal governing body creating an industrial development corporation. Only applicable in counties recognized by the Department of Economic and Community Development as tier 3 and 4 counties.

Effective April 30, 2021.

Education

Chapter No. 40 (HB0003/SB0228). Gender and participation in certain school activities. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring that a student's gender for purposes of participation in a public middle school or high school interscholastic athletic activity or event be determined by the student's sex at the time of the student's birth, as indicated on the student's original birth certificate. Also requires each LEA to adopt and enforce policies to ensure compliance with this provision.

Effective March 26, 2021 and applicable to the 2021-2022 school year and each school year thereafter.

Chapter No. 57 (HB0005/SB0235). Instruction for students identified for intervention through the response to instruction and intervention framework. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3 by requiring the instruction provided to a student who is identified for intervention through the response to instruction and intervention (RTI^2) framework developed by the Department of Education to be determined by the student's LEA.

Effective March 29, 2021 and applicable to the 2021-2022 school year and each school year thereafter.

Chapter No. 77 (HB2407/SB1637). "**Teacher's Discipline Act" enacted.** Amends Tennessee Code Annotated, Title 49, Chapter 6 by enacting the "Teacher's Discipline Act." Requires each student discipline policy or code of conduct adopted by a local board of education to include 1.) evidence-based behavior supports and interventions; and 2.) a provision authorizing teachers and administrators to enforce the student discipline policy or code of conduct and to hold students accountable for any disorderly conduct in school, on school buses, or at school-sponsored events. Also requires each local board of education to adopt a policy regarding a teacher's ability to relocate a student from the student's present location for the student's safety or for the safety of others and to use reasonable justifiable force, if required to accomplish the removal due to the unwillingness of the student to cooperate. If a student is removed, a report from the teacher removing the student must be filed with the school principal.

Effective January 1, 2022.

Chapter No. 96 (HB0225/SB0103). Authority to open and close schools. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 2 and Tennessee Code Annotated, Title 49, Chapter 13, by providing that regardless of an executive order issued by the governor or an order issued by a local health board or other public health official, a local board of education has the sole authority to open or close a school to in-person learning and instruction during an emergency as defined in § 58-2-101. Also provides that if the governor issues an executive order with statewide applicability that requires schools to be open for in-person learning and instruction, the executive order will supersede the local board of education's authority.

Effective April 7, 2021.

Chapter No. 116 (HB0332/SB0203). Students counted as present when participating in 4-H activities. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 30 by requiring that a student participating in an activity or program sponsored by 4-H be counted as present by the school in which the student is enrolled in the same manner as an educational field trip. The school principal or the principal's designee may request proof of the student's participation from the 4-H agent. This requirement does not apply to activities held during scheduled TCAP testing or during a period of time when the student is suspended, expelled, or assigned to an alternative school or alternative school program.

Effective April 13, 2021 and applicable to the 2021-2022 school year and each school year thereafter.

Chapter No. 146 (HB0497/SB1116). Contracts for school transportation employees and persons owning equipment for transportation services. Amends T.C.A. § 49-6-2101(e) by extending from 4 to 6 years the amount of time that appointed directors of schools, in employing school transportation personnel, and boards of education, in contracting for transportation services with persons owning equipment, are authorized to enter into contracts for such services.

Effective April 13, 2021.

Chapter No. 161 (HB0475/SB0124). Disclosure of suspected child abuse or child sex abuse to parents authorized in certain situations. Amends T.C.A. § 49-6-1601(d)(5) by authorizing school teachers, officials, personnel, and child abuse coordinators to disclose information relevant to suspected child

abuse or child sex abuse to a student's parent or guardian when required by federal law, when the parent is not the suspected perpetrator or complicit in any way with the suspected abuse, and the report is made in conjunction with the Department of Children's Services.

Effective April 20, 2021.

Chapter No. 170 (HB0973/SB0414). "**SEM Advancement Act" enacted.** Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by requiring each local board of education, by the 2021-2022 school year, to develop and adopt an academic acceleration policy for the enrollment of students in grades 7-12 into any available advanced English language arts, mathematics, or science courses. Requires an LEA to provide written notification to the parent of a student eligible to enroll in an advanced course pursuant to such policy.

Effective April 20, 2021.

Chapter No. 180 (HB0587/SB0596). Additional uses added for excess instructional time. Amends T.C.A. § 49-6-3004 by providing that a local board of education that exceeds the full six and one-half (6 ½) hours instructional time required by law by one-half (½) hour daily for the full academic year shall be credited with the additional instructional time. The excess instructional time shall be accumulated in amounts up to, but not exceeding, thirteen (13) instructional days each year, and applied toward meeting instructional time requirements missed due to dangerous or extreme weather conditions. Upon approval by the commissioner, the excess instructional time may be used in case of natural disaster, serious outbreaks of illness affecting or endangering students or staff or dangerous structural or environmental conditions rendering a school unsafe for use.

Effective July 1, 2021.

Chapter No. 188 (HB1096/SB0109). Immunity for reasonable use of force when discipling or removing a student under the School Discipline Act. Amends T.C.A. § 49-6-4107 by providing that a teacher, principal, school employee, or school bus driver using reasonable force in exercising the person's lawful authority related to discipling or removing a student in accordance with this section is immune from civil liability arising from the person's action pursuant to § 39-11-622, unless the teacher's, principal's, school employee's, or school bus driver's conduct is grossly negligent, reckless, or intentional misconduct. Also provides that a person who is immune under this section is not the proximate cause of any resulting injuries.

Effective July 1, 2021.

Chapter No. 205 (HB0782/SB0769). Textbooks and supplemental materials created to align exclusively with Common Core prohibited. Amends T.C.A. § 49-6-2206 by prohibiting a teacher or principal in any of the public schools of this State from using or permitting to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

Also provides that the Commissioner of Education shall withhold a portion of the State education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates this prohibition by purposefully using, or permitting to be used, in the person's

school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

Effective July 1, 2021.

Chapter No. 206 (HB0842/SB0844). Apprenticeship training program contact required. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 4 by requiring each public high school to designate a teacher, principal, or other school employee to serve as an apprenticeship training program contact for the school. Also requires each public high school to notify the Department of Education of the apprenticeship training program contact and update the department of any changes.

Effective July 1, 2021.

Chapter No. 223 (HB0206/SB0273). Truancy provisions amended. Amends T.C.A. § 49-6-3009 by requiring that progressive truancy plans adopted by local boards of education pursuant to subsection T.C.A. § 49-6-3009(c) be applied prior to referral to juvenile court as described in § 49-6- 3007(e)(1). Provides that beginning with the 2021-2022 school year, progressive truancy plans must include a first tier of truancy prevention that is applicable to all enrolled students, and a second and third tier of truancy intervention required for students who have accumulated a minimum of 5 days of unexcused absences. Includes specific requirements for what each progressive truancy plan must include.

Effective July 1, 2021.

Chapter No. 229 (HB0890/SB1223). Provisions related to assignment to alternative school amended. Amends T.C.A. § 49-6-3402 by providing that a director of schools, or a director's designee, is not required to assign a student in grades 7-12 who has been suspended for more than 10 days or expelled from the regular school program for an offense of violence or threatened violence, or an offense that threatened the safety of persons attending or assigned to the student's school, to an alternative school or alternative program if the alternative school or alternative program is located on the same grounds as the regular school program from which the student was suspended or expelled.

Effective April 22, 2021.

Chapter No. 250 (HB0472/SB0353). Teachers and other full-time employees of public charter schools eligible to participate in group insurance plans. Amends T.C.A. § 49-19-119 by authorizing teachers and other full-time permanent employees of a public charter school, including a public charter school authorized by the achievement school district or the commission, to participate in the group insurance plans selected by the governing body of the public charter school. Also provides that public charter schools, including public charter schools authorized by the achievement school district or the commission, are entitled to participate in the state group insurance plans selected by the governing body of the public charter school.

Effective April 28, 2021.

Chapter No. 261 (HB1342/SB0636). Schools not closed when teachers are required to work remotely. Amends T.C.A. § 49-5-716 by providing that a teacher’s school or school district is not closed for

purposes of charging a teacher with a day of leave, when teachers are required to work remotely and provide virtual instructions to students.

Effective April 28, 2021.

Chapter No. 271 (HB1446/SB1240). LEA required to provide student with information on career and technical education. Amends T.C.A. § 49-6-412 by requiring an LEA to provide students taking a career aptitude test in 7th or 8th grade with information on career and technical education opportunities offered by the LEA in which the student is eligible to participate.

Effective April 30, 2021.

Chapter No. 272 (HB1410/SB1259). "Safe Stars Act" enacted. Amends Tennessee Code Annotated, Title 49, Chapter 6 by enacting the "Safe Stars Act." Provides that beginning with the 2022-2023 school year, each LEA that provides a school youth athletic activity must require the coaches to 1.) annually complete the concussion recognition and head injury safety education course program required under§ 68-55-502; 2.) annually complete the sudden cardiac arrest education program required under § 68-6-103; 3.) receive training in cardiopulmonary resuscitation (CPR) and in the use of automated external defibrillators (AEDs); and 4.) comply with all applicable background check and fingerprinting requirements of§ 49-5-413. Also requires the LEA to implement certain response plans related to injuries and emergencies of youth athletes. Requires the LEA to develop a code of conduct for coaches.

Also requires a student participating in, or seeking to participate in, an athletic activity, and the student's parent or guardian to sign and return to the student's public school an acknowledgement of their receipt and review of a sudden cardiac arrest symptoms and warning signs information sheet developed by the department of education that includes information about electrocardiogram (EKG) testing. The acknowledgement form required must be signed and returned each year that a student participates in, or seeks to participate in, an athletic activity. Requires each LEA to hold an informational meeting before the start of each school athletic season or publish a video on the LEA's website for students, parents, coaches, and school officials to learn about the symptoms and warning signs of sudden cardiac arrest; heat illness; concussions and other head injuries; and other health, safety, and wellness issues related to sports participation, and to receive information about electrocardiogram (EKG) testing and each of the safety plans and policies implemented in the LEA.

Effective July 1, 2021.

Chapter No. 274 (HB1332/SB1303). Notification of placement in foster care. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by requiring the public school in which a student placed in foster care attends to notify the association that regulates interscholastic athletics of the student's placement in foster care, if the student desires to play interscholastic sports and placement in foster care may result in the student being deemed ineligible to participate in athletics for any period of time. Requires written consent to be obtained from the student's parent or guardian or the student, if the student is 18 years of age or older, before any notification is made to an association that regulates interscholastic athletics. Requires each LEA, by January 1, 2022 and by each January 1 thereafter, to submit to the Department of Education documentation of its compliance with this provision in the manner prescribed by the commissioner.

Effective April 30, 2021.

Chapter No. 281 (HB0529/SB1229). Notification required to parent or guardian when instruction will be provided on sexual orientation or gender identity. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 13 by requiring that at least 30 days before the commencement of instruction related to sexual orientation or gender identity, the parent or guardian of a student to receive such instruction be provided notice of the curriculum and have an opportunity to review the materials and confer with the instructor regarding the curriculum. Also includes the process for a parent to remove a student from such instruction. Provides that an LEA is not required to provide a sexual orientation or gender identity curriculum.

Effective May 3, 2021.

Chapter No. 287 (HB0117/SB0337). Additional in-service training required on human trafficking of child victims. Amends T.C.A. § 49-6-3004(c)(1)(B) by requiring that beginning with the 2021-2022 school year, each teacher employed by the local board of education receive, once every 3 years, in-service training on the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child. Requires the training to be acquired through the viewing of a video recording approved by the LEA.

Effective April 30, 2021.

Chapter No. 290 (HB0487/SB1360). Development, adoption and implementation of family life curriculum required. Amends T.C.A. § 49-6-1302 by requiring each LEA to locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established in this part, beginning with the 2021-2022 school year. Also provides that a curriculum on sex education or human sexuality that is developed, adopted, or implemented by an LEA as a part of a human growth and development program or curriculum must be in conformance with the curriculum guidelines established for family life programs by this part.

Effective April 30, 2021.

Chapter No. 310 (HB0235/SB1125). Purchasing authority for LEAs amended. Amends T.C.A. § 49-2-203 by providing that if a LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of less than forty thousand (40,000), according to the 2010 federal census or any subsequent federal census, then all expenditures for the purchase of supplies, furniture, fixtures, or materials through the executive committee estimated to cost $10,000 or more must be made through competitive bidding, which must be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in case of emergency.

Also provides that if the LEA chooses not to follow the local governing body's purchasing procedures, and the LEA is located in a county having a population of forty thousand (40,000) or more, according to the 2010 federal census or any subsequent federal census, then all expenditures for the purchase of supplies, furniture, fixtures, or materials through the executive committee estimated to cost $25,000 or more must be made through competitive bidding, which must be solicited by advertisement in a newspaper of general circulation in the county, except that the newspaper advertisement may be waived in case of emergency.

Incudes similar population-based purchasing procedures for purchases less than $10,000 and $25,000 and for construction services.

Effective July 1, 2021.

Chapter No. 335 (HB0925/SB1425). Cyber security policies required to be developed. Amends T.C.A. § 49-6-805 by requiring the state-level safety team to create policies and procedures relating to LEA and school cyber security preparedness to identify cyber security risk, implement mitigation planning, and protect cyber infrastructure against cyber attacks and other cyber security threats and incidents. Defines "cyber security" to mean the art of protecting networks, devices, and data from unauthorized access or criminal use, and the practice of ensuring the confidentiality, integrity, and availability of information.

Effective July 1, 2021.

Chapter No. 341 (HB1513/SB1034). "Textbook Transparency Act" enacted. Amends T.C.A. § 49-6-2203 by enacting the "Textbook Transparency Act." Requires each LEA to post on its website, the links to the textbooks and instructional material provided by the publishers of the textbooks and instructional material used by the LEA or identify on the LEAs website, the name and publisher of textbooks and instructional materials adopted by the LEA and provide a link to the State textbook depository's website where the textbooks and materials can be accessed. Also includes requirements for posting links to textbooks and instructional materials not approved by the Textbook Commission but used pursuant to a waiver.

Effective July 1, 2021.

Chapter No. 367 (HB1591/SB1156). Third grade retention provisions amended. Amends T.C.A. § 49-6-3115(d) by requiring any appeal of a 3rd grade student being retained due to the student's score on the most recent ELA TCAP taken, be made by the student's parent or guardian. Also amends T.C.A. 49-1-905 by providing that immediately upon determining that a student in kindergarten through grade three (K-3) has a significant reading deficiency, based on the results of the universal reading screener most recently administered to the student, the LEA is required to notify the student's parent in writing that the student has been identified as having a significant reading deficiency, and shall provide the student's parent with information about mandatory retention of students in 3rd grade with an achievement level of "approaching" or "below" on the ELA portion of the student's most recent TCAP test.

Section 1 effective May 11, 2021 and Section 2 effective July 1, 2022.

Chapter No. 369 (HB1403/SB1175). Immunization notification required to include exemption process. Amends T.C.A. § 49-6-5001 and Tennessee Code Annotated, Title 49, Chapter 67, Part 1 by requiring any communication provided to students or parents by any school, nursery school, kindergarten, preschool, or child care facility of this State regarding immunization requirements to include information on the grounds for exemption from the immunization requirement. Requires the exemption information and immunization requirements to be provided in the same font size and style and located on the same page of the written or digital communication.

Effective July 1, 2021.

Chapter No. 377 (HB1266/SB1343). Benefits for teachers injured during the course of employment. Amends T.C.A. § 49-5-714 by requiring the benefits, procedures, and standards for receiving benefits for any teacher absent from assigned duties due to being injured by a physical assault or other violent criminal act committed against the teacher in the course of the teacher's employment activities, to be in compliance with the personal injury rules of the State Board of Education when the LEA does not have workers' compensation coverage. Also provides that the full benefits required to be paid to the teacher while absent due to the injury do not include the teacher's full salary. Provides that an LEA is not required to provide these benefits for more than 1 year. Includes that this provision does not discourage, diminish, invalidate, or supersede any LEA's policy, benefit package, or contract providing greater benefits or leave for teachers injured in the course of employment activities.

Effective July 1, 2021.

Chapter No. 378 (HB1443/SB1345). Notification of dismissal to teachers. Amends T.C.A. § 49-5-409 by providing that teachers in service and under the control of the public elementary or high schools of this State may continue in such service unless written notice is sent to the teacher from the teacher's board of education or director of schools, as appropriate, of the teacher's dismissal or failure of reelection. Requires the written notice sent by a board of education or director of schools to be sent by certified mail or overnight carrier to the teacher's physical mailing address on record with the LEA or transmitted via electronic mail to the email address used by the LEA to communicate with the teacher.

Effective May 11, 2021.

Chapter No. 389 (HB0212/SB0634). "Stop the Bleed" programs authorized. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by authorizing each LEA to develop Stop the Bleed programs in consultation with local law enforcement beginning with the 2021-2022 school year. Requires 1.) at least 1 bleeding control kit to be placed in an easily accessible location within the school as determined by the school after consulting with local law enforcement; 2.) bleeding control kits to be included in the district-level safety plans and building-level emergency response plans developed pursuant to chapter 6, part 8 of this title; 3.) all LEA employees to receive training on how to use a bleeding control kit. Bleed control kit is defined to include: 1.) a tourniquet endorsed by the United States department of defense's committee on tactical combat casualty care; 2.) a compression bandage; 3.) a bleeding control bandage; 4.) protective gloves; 5.) a marker; 6.) scissors; and 7.) instructional materials developed by either The United States Department of Homeland Security, as part of the Department's "Stop the Bleed" campaign or the American College of Surgeons Committee on Trauma.

Effective July 1, 2021.

Chapter No. 398 (HB0777/SB0774). BEP calculation formula amended for 2021-2022 school year in certain situations. Amends T.C.A. § 49-3-317 by providing that if an LEA's BEP calculation for the 2021-2022 school year, inclusive of the State and local portions, generates a lower BEP calculation than was calculated for the 2020-2021 school year, then the LEA's BEP calculation for the 2021-2022 school year, inclusive of the State and local portions, must be equal to the LEA's BEP calculation for the 2020-2021 school year. Includes that this language applies to LEAs in full compliance with State school attendance and truancy intervention laws as provided in chapter 6, part 30 of this title, and the State Board of Education's continuous learning plan rules, which require LEAs to track student attendance daily when students are participating in remote instruction. Requires an LEA, in tracking daily student attendance

and compliance with state school attendance and truancy intervention laws, to implement policies and procedures for the LEA to request and receive daily visual, verbal, or written confirmation of student participation in instructional time; determine excused versus unexcused student absences; and implement interventions to address student absences during remote instruction.

Effective May 11, 2021.

Chapter No. 417 (HB1131/SB1424). Background checks of employees of contractors and subcontractors of schools and local school boards. Amends T.C.A. § 49-5-413 by providing that when a criminal history records check is completed on a contractor or subcontractor and the check comes back indicating that the person was convicted of a misdemeanor offense more than 10 years preceding the date of application for employment and the offense did not involve a minor, the employee is allowed to come in direct contact with students or enter school grounds.

Effective May 12, 2021.

Chapter No. 452 (HB1233/SB1367). "Tennessee Accommodations for All Children Act" enacted. Amends Tennessee Code Annotated, Title 49, Chapter 2 by enacting the "Tennessee Accommodations for All Children Act." Requires that a public school, to the extent practicable, provide a reasonable accommodation to a student, teacher, or employee of the public school who desires greater privacy when using a multi-occupancy restroom or changing facility designated for the student's, teacher's, or employee's sex and located within a public school building, or when using multi-occupancy sleeping quarters designated for the student's, teacher's, or employee's sex while attending a public school-sponsored activity; and 2) provides that a written request for a reasonable accommodation be made to the school principal. If the student requesting a reasonable accommodation is under 18 years of age, then the student's parent or legal guardian must provide the written request on the student's behalf. Requires the school principal to evaluate the request on behalf of the public school and, to the extent practicable, provide a reasonable accommodation. The decision approving or denying the request is required to be made in writing. Provides that if the principal denies the request, then the grounds for denial must be provided in the principal's written decision. Also includes a process for appealing the principal's decision to the director of schools.

Also provides that a student, teacher, or employee of the public school, or the student's parent or legal guardian, if the student is under 18 years of age, has a private right of action against the LEA or public school, if 1.) the student, teacher, or employee encounters a member of the opposite sex in a multi-occupancy restroom or changing facility located in a public school building; the student, teacher, or employee is in a multi-occupancy restroom or changing facility designated for the student's, teacher's, or employee's sex at the time of the encounter; and the LEA or public school intentionally allowed a member of the opposite sex to enter the multi-occupancy restroom or changing facility while other persons were present; or 2) the student, teacher, or employee is required by the public school to share sleeping quarters with a member of the opposite sex, unless the member of the opposite sex is a family member of the student, teacher, or employee.

Effective July 1, 2021.

Chapter No. 479 (HB1305/SB0788). Open enrollment provision amended. Amends T.C.A. § 49-2-128 by requiring before the start of each school year, that an LEA identify each school that, based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students. Also requires an LEA to post the number of spaces available for enrollment in each school by grade, class, and program levels on the LEA's website at least 14 days before the beginning of the open enrollment period. Authorizes an LEA to reserve a reasonable number of enrollment spaces each school year from the number of spaces, if any, determined by the LEA to be available for enrollment for purposes of this section, to accommodate the potential enrollment of students who may relocate within the respective school zone, students who may have a sibling enrolled at the respective school, and students who may have a parent who teaches at the respective school.

Provides that before the start of each school year, each LEA must conduct an open enrollment period of at least 30 days during which a parent or guardian of a student residing within the LEA may apply for enrollment of the parent's or guardian's student in a school that the student is not zoned to attend. Allows a parent or guardian to submit an application for transfer to a school identified by the LEA as having space available to enroll and serve additional students during open enrollment. Requires an LEA to approve an application for transfer if space is available for the student at the requested school, but if the number of applications for transfer to a school exceeds the number of spaces available for enrollment in the school at the building, grade, class, or program level, as identified by the LEA, then the LEA must conduct a lottery to select the students who may transfer to the school. Includes that if an LEA grants a transfer to a student, then the parent or guardian of the student is responsible for transportation to the new school and the student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

Effective May 18, 2021 and applicable to the 2022-2023 school year and each school year thereafter.

Chapter No. 493 (HB0580/SB0623). Certain curriculum related to race and sex prohibited. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 10 by prohibiting an LEA from including or promoting curriculum or supplemental materials that promote the following concepts: 1.) a race or sex is inherently superior to another race or sex; 2.) an individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously; 3.) an individual should be discriminated against or receive adverse treatment because of the individual's race or sex; 4.) an individual's moral character is determined by the individual's race or sex; 5.) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; 6.) an individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex; 7.) a meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex; 8.) this State or the United States is fundamentally or irredeemably racist or sexist; 9.) promoting or advocating the violent overthrow of the United States government; 10.) promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people; 11.) ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex; 12.) the rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups; 13.) all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life,

liberty, and the pursuit of happiness; or 14.) governments should deny to any person within the government's jurisdiction the equal protection of the law.

Provides that if the Commissioner of Education finds that an LEA knowingly violated this section, then the Commissioner must withhold State funds, in an amount determined by the Commissioner, from the LEA until the LEA provides evidence to the Commissioner that the LEA is no longer in violation of this section.

Effective May 25, 2021 and applicable to the 2021-2022 school year and each school year thereafter.

Chapter No. 519 (HB0210/SB1147). Available courses and list of instructional material required to be posted on a LEA's website. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1 by requiring each LEA to publish on its website, a list of courses available to students enrolled in the LEA, the course description for each course, and a list of materials that will be used to provide the instruction for the course, including any updates to the curriculum at the beginning of each semester.

Effective July 1, 2022.

Chapter No. 571 (HB1534/SB0653). LEA established teacher training programs authorized. Amends T.C.A. § 49-5-108 by authorizing the State Board of Education to approve a process for an LEA or 2 or more LEAs to establish an LEA training program for the purpose of recommending eligible educators for endorsement.

Effective July 1, 2022.

Chapter No. 578 (HB1501/SB0122). "School Turnaround Pilot Program Act" enacted. Amends Tennessee Code Annotated, Title 49, Chapter 6 by enacting the "School Turnaround Pilot Program Act which requires schools in need of intervention to develop a school turnaround plan during the 2021-2022 school year and to implement the plan during the 3 school years from 2022-2023 through 2024-2025. Requires the local board of education for a school in need of intervention to select and contract with an independent school turnaround expert identified by the Department of Education. Includes the payment structure for the expert and provides that subject to available funds, the Department of Education must provide grants to local boards of education with schools in need of intervention to facilitate the implementation of the turnaround programs and pay for the required experts.

Effective May 27, 2021.

Chapter No. 589 (HB0713/SB0449). Per pupil state and local funds required to be allocated to an out-of-state residential mental health facility. Amends T.C.A. § 49-3-370 by requiring an LEA allocate funding in an amount equal to the per pupil State and local funds received by the LEA to an out-of-state residential mental health facility on a prorated daily basis for the student's length of stay under certain circumstances. Provides that if an LEA allocates funds to an out-of-state residential mental health facility pursuant to this section, then the LEA and the Department of Education are authorized to monitor the out-of-state residential mental health facility for compliance with this section, an individual student's IEP, and all other applicable state and federal laws. Also provides that if the out-of-state residential

mental health facility fails to comply with all applicable requirements, then the LEA must cease the allocation of funding provided for in this section.

Effective May 27, 2021 and applicable to students admitted to an out-of-state mental health facility for the 2021-2022 school year and each school year thereafter.

Elections

Chapter No. 93 (HB0500/SB0208). Tennessee Freedom of Speech Act expanded. Amends T.C.A. § 2-7-143 by expanding the Tennessee Freedom of Speech Act to provide that during the period beginning 60 days before an election until the day after the next subsequent election, the shape and quantity of political or campaign posters or signs placed on private property by the property owner or any lawful resident of the property that is located more than 100 feet from a polling place shall not be regulated subject to certain exceptions.

Effective July 1, 2021.

Environment

Chapter No. 138 (HB0667/SB0795). "Commercial Property Assessed Clean Energy and Resilience Act" enacted. Amends Tennessee Code Annotated, Title 67, Chapter 5 and Title 68 by enacting the "Commercial Property Assessed Clean Energy and Resilience Act" which authorize the establishment of a commercial property assessed clean energy and storm resiliency (C-PACER) program that municipalities may voluntarily implement to ensure that free and willing owners of agricultural, commercial, industrial, and multifamily residential properties can obtain low-cost, long-term financing for qualifying improvements.

Effective July 1, 2021.

Finance

Chapter No. 127 (HB0655/SB0537). Comptroller review of municipal travel and reimbursement policies. Amends T.C.A. § 6-54-903 by requiring all municipal travel and expense reimbursement policies and any amendment to the policies, to be available for review and audit by the Comptroller or the Comptroller's designee, but no longer requires the policies to be submitted to the Comptroller.

Effective April 13, 2021.

Chapter No. 128 (HB0657/SB0539). Various public finance provisions amended. Amends T.C.A. § 9-21-205 by providing that the governing body of a municipality is not required to adopt an initial resolution for general obligation bonds if the public works project for which the bonds are being issued is a

mandated project. Amends T.C.A. § 7-34-111 by providing that revenue anticipation notes shall not be issued without first being approved by the Comptroller or the Comptroller's designee. Provides that if the revenues of such system are insufficient to pay all such notes at maturity, any unpaid notes may be renewed 1 time for a period not to exceed 1 year or may be retired with funding bonds issued pursuant to the Cash Basis Law of 1937, compiled in Title 9, Chapter 11, or may be otherwise liquidated as approved by the Comptroller or the Comptroller's designee. Also amends T.C.A. § 9-21-408 by providing that the Comptroller or the Comptroller's designee must provide governmental entities guidelines for internal loans for purposes of this section. Amends various provisions in Tennessee Code Annotated, Title 9, Chapter 21, Part 6 related to capital outlay notes.

Effective April 13, 2021.

Chapter No. 196 (HB1462/SB0547). The "Uniformity in Local Government Lease Finance Act of 2021" enacted. Amends Tennessee Code Annotated, Title 9 by enacting the "Uniformity in Local Government Lease Financing Act of 2021" which establishes the requirements for a municipality to enter into and approve any lease financing which is defined as an agreement for the use of property where a municipality is the lessee and the rental payments payable according to the agreement include an identifiable interest component or the municipality has the right to purchase the property that is subject to the lease at a price that is not based upon the fair market value of the property at the time of purchase.

Effective April 22, 2021 and applicable to any lease financing authorized by a governing body on or after January 1, 2022.

Chapter No. 256 (HB0652/SB0534). New budget requirements. Amends T.C.A. § 9-21-403 by providing that after a municipal governing body receives the annual budget estimate, the governing body shall prepare a budget ordinance for passage. Provides that immediately after passage of the budget ordinance, the governing body is to pass an ordinance levying property taxes at a sum sufficient to balance the budget. Requires the annual budget of each local government to be submitted to the Comptroller of the Treasury or the Comptroller's designee for approval immediately upon adoption. Provides that the Comptroller or the Comptroller's designee shall only approve the budget once satisfied that it complies with Tennessee Code Annotated, Title 9, Chapter 21. Also amends T.C.A. § 9-21-404 by providing that if a budget is either not approved by the Comptroller or the Comptroller's designee or not submitted to the Comptroller or the Comptroller's designee within 2 months of the beginning of the fiscal year, then debt or financing obligations shall not be issued by the public entity until the Comptroller or the Comptroller's designee has approved the budget, or as otherwise provided for in a manner approved by the Comptroller or the Comptroller's designee. Provides that in the case of an emergency, the Comptroller or the Comptroller's designee, may waive the requirement of budget approval in order to allow the public entity to enter into emergency financial transactions.

Effective April 28, 2021.

Chapter No. 393 (HB0505/SB1406). Deposit of additional collateral. Amends T.C.A. § 9-4-504 by requiring a qualified public depository that accepts any public deposit between May 1, 2021, and December 31, 2022, that would increase its collateral by 25% to deposit additional collateral to secure such increase within 10 calendar days of the deposit.

Effective May 11, 2021 and repealed January 1, 2023.

Chapter No. 533 (HB0656/SB0538). CMFO continuing professional education requirements amended. Amends T.C.A. § 6-56-404 by reducing the number of continuing professional education ("CPE") hours in finance education that certified municipal finance officers ("CMFOs") are required to obtain from 24 to 16 each calendar year after receiving the CMFO designation. Provides that hours in excess of the 16 hours will not carry over to the next calendar year. Also amends T.C.A. § 6-56-406 by modifying the compliance schedule for hiring a CMFO and adds that a municipality may contract with a certified public accountant to perform the duties of CMFO. Requires the contracted CMFO to devote a minimum of 16 hours per month to financial oversight on behalf of the municipality.

Effective May 25, 2021.

Firearms

Chapter No. 108 (HB0786/SB0765). Permitless carry and guns in parking lots. Amends T.C.A. § 39-17-1307(g) by authorizing any person at least 21 years of age or 18 years of age and active-duty military or honorably discharged from the armed forces or reserves to lawfully possess a firearm in a place where the person is lawfully present, to carry a firearm whether openly or concealed. Also amends T.C.A. § 39-17-1313 by providing regardless of any ordinance or resolution to the contrary, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to T.C.A. § 39-17-1307(g) may transport or store a firearm or firearm ammunition in the person's vehicle while on or using any public or private parking area if 1.) the vehicle is parked in a location in which it is permitted to be; and 2.) the firearm or ammunition is transported or stored in the vehicle in a manner kept from ordinary observation or kept from ordinary observation and locked within the trunk, glove box, the interior of the vehicle or in a container securely affixed to the vehicle if the person is not in the vehicle. Requires an enhanced handgun carry permit holder and a concealed handgun carry permit holder to always have his/her permit in the holder's immediate possession when carrying in a location or manner that would be prohibited except for the permit status and to display such permit to law enforcement on demand when in such situation. Also amends T.C.A. § 39-14-105 by increasing the penalty for theft of a firearm and T.C.A. § 40-35-501 by providing there shall be no release eligibility until a person serves 85% of a sentence, less sentence credits earned and retained, when a person is convicted of unlawful possession of a firearm when committing or attempting to commit a felony crime of violence, felony drug offense, or unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun.

Effective July 1, 2021.

Chapter No. 444 (HB0446/SB0557). "Tennessee Firearm Protection Act" enacted. Amends T.C.A. § 38-3-115 by enacting the "Tennessee Firearm Protection Act." Adds language to the existing provision that prohibits municipalities from allocating public funds or using personnel or property, for purposes of implementing, regulating, or enforcing any federal law, executive order, rule, regulation, or any international law or treaty, that regulates the sale of firearms, ammunition, or firearms accessories, if the use of personnel or property or the expenditure of public funds would result in the violation of

another Tennessee statute, Tennessee common law, or the Constitution of Tennessee. Provides that any violation of these provisions could result in review by the Office of Attorney General and Reporter and the General Assembly and in the loss of funding from the State in the fiscal year following the violation.

Effective May 13, 2021.

General Government

Chapter No. 39 (HB0407/SB0682). Agreeing and negotiating to sell real property before final plat approval. Amends T.C.A. §§ 13-3-410 and 13-4-306 by authorizing an owner or agent of the owner of real property, prior to closing on the property, to sell, agree to sell, or negotiate the sell of property by reference to a subdivision plat before the final subdivision plat is approved by the planning commission.

Effective March 23, 2021.

Chapter No. 182 (HB0716/SB0895). "**Uniform Residential Landlord and Tenant Act" amended.** Amends Tennessee Code Annotated, Title 66, Chapter 28 of the "Uniform Residential Landlord and Tenant Act" by providing that in the counties in which the Act applies, the provisions in the Tennessee Code occupies and preempts the entire field of legislation concerning the regulation of landlords and tenants. Prohibits the governing body of a county subject to this chapter from enacting or enforcing regulations that conflict with, or are an addition to, this chapter.

Effective July 1, 2021.

Chapter No. 212 (HB0719/SB1597). Provisions related to ambulance services expanded. Amends T.C.A. § 7-61-102 by providing municipal governing bodies are authorized to make provisions for ambulance service within the boundaries of a municipality. Prohibits a municipality from providing and maintaining, licensing, franchising, or contracting for ambulance service outside its corporate boundaries without the approval of the county governing body, in the case of unincorporated areas, or the municipal governing body if the area to be served lies within the boundaries of another municipality. Prohibits a county from providing and maintaining, licensing, franchising, or contracting for ambulance service within the boundaries of a municipality that has made provisions for ambulance service without the approval of the municipal governing body of the area to be served. Authorizes the governing body of any municipality to adopt and enforce reasonable regulations to control the provision of private or nonprofit ambulance service. Also authorizes multiple municipalities and counties to enter into joint agreements for the provision of ambulances.

Effective April 22, 2021.

Chapter No. 234 (HB1112/SB1150). Requirements placed on contractors making improvements to public property. Amends Tennessee Code Annotated, Title 50, Chapter 3, Part 1 by prohibiting a municipality , or school board from requiring a prime contractor or remote contractor, as part of an improvement of real property, or a bid, proposal, or agreement relating to an improvement of real property, to: 1) Obtain, gather, or disclose personnel information or data of the prime or remote contractor's employees, except to the extent required under federal or state law; 2) Provide personnel information or data of the prime contractor or remote contractor's employees to a person or entity,

except to the extent required by federal or state law; 3) Adhere to safety and health standards in excess of that required under federal occupational health and safety act (OSHA) and Tennessee occupational health and safety act (TOSHA) rules and regulations; 4) Provide access to a worksite to anyone who would not otherwise have a legal right to access the worksite under federal or state law; 5) Provide access to personnel information or data of anyone furnishing labor or materials on a worksite to a third party, including a non-employee designee, unless required by federal or state law; or the third party is a certified public accountant retained by the government entity to conduct an overall audit of the prime contract for the improvement; 6) Require written contracts or agreements for the provision of labor or materials furnished in furtherance of the improvement, unless otherwise required by federal or state law; 7) Be responsible for another party's compliance with a written agreement relating to the improvement, except as otherwise required by federal or state law; or 8) Offer direct employment to a temporary laborer or an employee regardless of the temporary laborer's or temporary employee's length of service.

Effective April 22, 2021.

Chapter No. 273 (HB1172/SB1262). "**County Powers Relief Act" amended.** Amends T.C.A. § 67-4-2910 by providing that the governing body of a metropolitan government may pass a resolution or ordinance requiring 50% of the privilege tax on residential development to be paid at the time of application for a building permit and the remaining 50% of the tax to be paid prior to the issuance of a certificate of occupancy.

Effective April 30, 2021.

Chapter No. 309 (HB0215/SB0207). "**Stopping Addiction and Fostering Excellence (SAFE) Act" amended.** Amends T.C.A. § 6-54-145 by deleting the language related to sober living homes and providing only that a municipality shall display in the city hall or other building that houses the municipality's seat of local government, a sign at least 11 " in height and 17" in width stating:

> PURSUANT TO TENNESSEE CODE ANNOTATED, § 33-2-405, IT IS UNLAWFUL FOR A PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION TO OWN OR OPERATE A SERVICE OR FACILITY THAT PROVIDES ALCOHOL AND DRUG ABUSE PREVENTION AND/OR TREATMENT WITHIN THE MEANING OF TITLE 33 OF THE TENNESSEE CODE ANNOTATED WITHOUT HAVING OBTAINED A LICENSE. A VIOLATION OF THIS REQUIREMENT IS A CLASS B MISDEMEANOR. EACH DAY OF OPERATION WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE. REPORT ANY SUSPECTED UNLICENSED ALCOHOL AND DRUG ABUSE PREVENTION AND/OR TREATMENT SERVICES TO THE TENNESSEE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES' OFFICE OF LICENSURE BY DIALING [WEST TENNESSEE LICENSURE OFFICE PHONE NUMBER; MIDDLE TENNESSEE LICENSURE OFFICE PHONE NUMBER; OR EAST TENNESSEE LICENSURE OFFICE PHONE NUMBER, AS APPLICABLE TO THE LOCATION OF THE MUNICIPALITY].

Also provides that if a municipality maintains a website, then the required notice must be placed prominently on the municipality's website.

Effective July 1, 2022.

Chapter No. 332 (HB0749/SB0631). Process for adopting or amending regulations and codes related to construction materials. Amends T.C.A. § 68-120-101 by adding that a municipality may adopt a

regulation or code, pertaining to construction materials by ordinance or resolution, as appropriate, by majority vote. Includes the process for adoption and modification of the regulation or code. Prohibits a regulation, ordinance, or code adopted pursuant to this provision from prohibiting a particular construction material that is approved by a national building code or the State fire marshal. Requires any regulation, ordinance, or code adopted pursuant to this provision to allow for the consideration of waiver.

Effective May 4, 2021 for purposes of local government adoption of a regulation, code, or ordinance relating to construction materials and on September 1, 2021 for all other purposes.

Chapter No. 338 (HB1069/SB0590). Selling or offering to sale merchandise manufactured by inmates. Amends T.C.A. § 41-22-116 by prohibiting a municipality from selling or offering to sale goods, wares, or merchandise manufactured by inmates, unless the inmates are on parole or probation, and are working through a TRICOR program.

Effective May 4, 2021.

Chapter No. 339 (HB1336/SB0872). Local governments prohibited from regulating online marketplaces. Amends Tennessee Code Annotated, Title 6, Chapter 54, Part 1 by prohibiting a municipality or metropolitan government from regulating the operations of an online marketplace or requiring an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order. “Online marketplace” is a defined term.

Effective May 4, 2021.

Chapter No. 386 (HB0187/SB1590). Local governments immune from liability for cause of actions arising out of participation in a treatment program. Amends T.C.A. § 55-10-402 by providing that a local governmental entity is immune from liability for a cause of action or claim for damages arising out of a person's participation in a private appropriately licensed substance abuse treatment program approved by the court as an alternative facility for purposes of incarceration after a conviction for DUI.

Effective May 11, 2021.

Chapter No. 453 (HB1182/SB1224). Signage required for public restrooms under certain circumstances. Amends Tennessee Code Annotated, Title 68, Chapter 120, Part 1 by providing that when a municipality operates a building or facility that is open to the general public, and as a matter of formal or informal policy, allows a member of either biological sex to use any public restroom within the building or facility, a notice is required to be posted at the entrance of each public restroom in the building or facility. The signage must be easily visible to anyone entering the public restroom and must:

(1) Be at least eight inches (8") wide and six inches (6") tall;

(2) The top one-third (1/3) of the sign must have a background color of red and state "NOTICE" in yellow text, centered in that portion of the sign;

(3) The bottom two-thirds (2/3) of the sign must contain in boldface, block letters the following statement centered on that portion of the sign: THIS FACILITY MAINTAINS A POLICY OF

ALLOWING THE USE OF RESTROOMS BY EITHER BIOLOGICAL SEX, REGARDLESS OF THE DESIGNATION ON THE RESTROOM.

(4) Except as provided in subdivision (b)(2), have a background color of white with type in black; and (5) Be located on a door to which the sign must be affixed or have its leading edge located not more than one foot (1 ') from the outside edge of the frame of a door to which the sign must be affixed.

Provides that any entity not in compliance with this part has 30 days to come into compliance after being notified of such non-compliance before any action is taken against the entity. “Public restroom” is defined as including a locker room, shower facility, dressing area, or other facility or area that is open to the general public, designated for a specific biological sex, and is a facility or area where a person has a reasonable expectation of privacy. Provides that this requirement is not applicable to unisex single-occupant restrooms and family restrooms intended for use by either biological sex.

Effective July 1, 2021.

Chapter No. 513 (HB0013/SB0187). Municipality prohibited from requiring COVID-19 vaccination for those who object for various reasons. Amends Tennessee Code Annotated, Title 68, Chapter 5, Part 1 by prohibiting a municipality from promulgating, adopting, or enforcing an ordinance or resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience. Defines "medical treatment" as an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus and "Political subdivision" as a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by 1 or more local governmental entities.

Effective May 25, 2021.

Chapter No. 550 (HB0575/SB0858). Requiring proof of vaccination prohibited. Amends Tennessee Code Annotated, Title 68, Chapter 5, Part 1 by prohibiting a municipality from 1.) requiring or mandating that a private business require proof of vaccination as a condition of entering upon the premises of the business or utilizing the services of the business; or 2.) requiring proof of vaccination as a condition of entering upon the premises of a municipality, or utilizing services provided by a municipality.

Effective May 26, 2021.

Chapter No. 554 (HB0902/SB1334). Municipality prohibited from creating firearm registries. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 13 by prohibiting a municipality, official, employee, or agent from knowingly creating or maintaining any firearm registry with the intent to record the possession or ownership of a firearm or firearm accessory by individuals or non-governmental entities, subject to certain exceptions. Includes that a violation of this provision is a Class E felony. Also provides that a violation of this provision by a municipality shall result in loss of funding from the State for the following fiscal year and any subsequent fiscal year during which the violation occurs.

Effective July 1, 2021.

Labor

Chapter No. 384 (HB0037/SB1573). "The Essential Workers Act" enacted. Amends Tennessee Code Annotated, Title 50, Chapter 1, Part 2 by enacting "The Essential Workers Act." Prohibits a municipality or the executive head of a municipality from adopting an executive order, ordinance or resolution that creates categories or classes of nonessential businesses, trades, professions, or industries for the purpose of suspending lawful commerce, encumbering trade, or denying citizens the right to work if such activities are otherwise lawful in this State, unless an explicit order of the local fire marshal or a court of competent jurisdiction declares that the business operating poses a clear and present danger to the citizenry of this state.

Effective May 11, 2021.

Chapter No. 556 (HB0943/SB1567). Retaliatory discharge provisions amended. Amends T.C.A. § 50-1-304 by excluding from the definition of illegal activities, for purposes of whistleblower claims under the Tennessee Public Protection Act, those activities prohibited by the Tennessee Disability Act, the Tennessee Human Rights Act, or federal laws prohibiting discrimination in employment.

Effective May 26, 2021.

Law Enforcement

Chapter No. 166 (HB0153/SB0277). 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 July 1, 2021.

Chapter No. 336 (HB0961/SB1232). Immunity from suit when making arrests outside of jurisdiction. Amends T.C.A. § 38-3-113 by providing that a POST-certified law enforcement officer in this State who is employed fulltime by a county, municipality, or metropolitan form of government and authorized to make arrests has the same legal status and immunity from suit when making an arrest in this State for a crime that was committed outside of the law enforcement officer's jurisdiction, as the law enforcement officer has when making an arrest within the law enforcement officer's jurisdiction, if the arrest is made under the following circumstances: 1) the officer reasonably believes that the person arrested has committed a felony in the officer's presence or is committing a felony in the officer's presence; 2) the officer reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the peace in the officer's presence or is committing a misdemeanor that amounts to a breach of the peace in the officer's presence; or 3) the officer is rendering assistance to a law enforcement officer of this state in an emergency or at the request of the officer.

Effective May 4, 2021.

Chapter No. 359 (HB1222/SB0972). Authorization to contract for a professional to test certain jail staff for psychological impairments. Amends T.C.A. § 41-4-144 by providing a municipality is authorized to contract with a licensed healthcare provider qualified in the psychiatric or psychological field to perform the testing required to certify that an individual hired as a jail administrator, jailer, corrections officer, or guard is free from any impairment as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.

Also provides that a municipality may make a good faith reliance on the healthcare providers' certification. Includes that the healthcare provider is not an agent of the entity for purposes giving rise to a cause of action against the entity for a civil or criminal action.

Effective May 11, 2021.

Chapter No. 439 (HB0530/SB0440). Reward established for information related to officer shot or killed in the line of duty. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1 by requiring the State to offer a reward for information related to the shooting of a law enforcement officer in the line of duty. Includes that a $10,000 reward is to be offered when the law enforcement officer is injured in the line of duty and a $20,000 reward is to be offered when the officer is killed in the line of duty.

Effective July 1, 2021.

Chapter No. 489 (HB1406/SB1380). Choke holds, de-escalation, and no-knock search warrants. Amends T.C.A. § 38-3-121 by prohibiting a law enforcement officer from using a choke hold, defined to mean an intentional use of pressure or constriction on the neck, throat, or windpipe intended to prohibit breathing, with or without the use of a police baton, on any person, unless the officer reasonably believes that deadly force is authorized.

Also amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1 requiring that by January 1, 2022, each law enforcement agency have a policy in place related to de-escalation and shooting at moving vehicles. Also requires each law enforcement agency to develop and implement a use of force reporting system by January 1, 2022. Requires monthly reports related to use of force data to be reported to the TBI beginning January 1, 2022.

Also amends T.C.A. § 40-6-105 by prohibiting a magistrate from issuing a "no knock" search warrant, which expressly authorizes a peace officer to dispense with the requirement to knock and announce the peace officer's presence prior to execution of the warrant.

Effective May 18, 2021.

Chapter No. 523 (HB0374/SB0457). Community Oversight Board training requirements. Amends T.C.A. § 38-8-312 by providing that in any jurisdiction in which the local law enforcement agency conducts a citizen police academy or similar program each member serving on a community oversight board as of July 1, 2021, shall complete the local law enforcement agency's citizen police academy or similar program by June 30, 2022. Provides that members appointed to serve on a community oversight board after July 1, 2021, shall complete the local law enforcement agency's citizen police academy or similar

program within 12 months of beginning service on the board. Includes that if a local law enforcement agency does not offer a citizen police academy or similar program that can be completed within the 12-month timeframe required, then the member shall complete the agency's next available citizen police academy or similar program. Also provides that a member who fails to comply with this requirement serves as a non-voting member until the member completes the academy or program and if the majority of the members of the community oversight board are non-voting members, then the board is prohibited from taking any official action until a majority of the members have completed the academy or program necessary to restore the members' voting statuses.

Effective July 1, 2021.

Motor Vehicles and Traffic

Chapter No. 56 (HB0101/SB0154). Definition of "motor vehicle" amended. Amends T.C.A. § 55-8-101(41) by excluding from the definition of "motor vehicle" motorized wheelchairs.

Effective January 1, 2022.

Chapter No. 123 (HB0431/SB0349). Off-highway vehicles authorized to drive on certain roads. Amends T.C.A. § 55-8-185 by authorizing the operation of off-highway vehicles on Old Burrville Road, Dyna Tex Road, and Mill Creek Road in Sunbright, Tennessee.

Effective April 13, 2021.

Personnel-Benefits

Chapter No. 360 (HB1365/SB0989). Self-funded insurance plans. Amends Tennessee Code Annotated, Title 8, Chapter 27 by inserting new requirements related to the content of a self-funded insurance plan document and subrogation under a self-funded plan. Also includes the rights and duties of plan participants and third parties. Limits a participant who sues the plan or administrator of the plan to the recovery of any benefits due and attorney's fees.

Effective July 1, 2021.

Chapter No. 382 (HB1540/SB1520). Obtaining creditable service. Amends Tennessee Code Annotated, Title 8, Chapter 34, Part 6 by authorizing any member of the Tennessee Consolidated Retirement System ("TCRS") to obtain creditable service for prior service while a participating member of a municipal or metropolitan government retirement system by notifying the board of trustees of both retirement systems. Requires the municipal or metropolitan government retirement system, upon receiving the notice, to transfer to TCRS all employer and employee contributions made by or on behalf of the member, with regular interest.

Effective July 1, 2021.

Chapter No. 424 (HB1373/SB1409). COBRA coverage reimbursement. Amends T.C.A. § 8-27-404 by providing that if a municipality offers continued health insurance coverage to the spouse and children of any first responder killed in the line of duty, the State shall reimburse the municipality in an amount equal to that portion of the health insurance premiums or expenses for COBRA coverage for the benefits for which the municipality is responsible.

Effective May 12, 2021.

Chapter No. 486 (HB0171/SB1114). Correctional officer and early service retirement. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 3 by providing that a correctional officer employed by a municipality that is a member of the State retirement plan is eligible for early service retirement upon attaining 25 years of creditable service. Includes that a correctional officer is not required to retire upon attaining 25 years of creditable service and that this language only applies to correctional officers who retire on or after the effective date of this provision.

Authorizes the municipality to require a correctional officer who voluntarily chooses to retire pursuant to this provision to pay a pro rata share of the cost of any insurance coverage otherwise provided to members who are one hundred percent (100%) vested in the service retirement benefit based on the time the correctional officer voluntarily chooses to retire until the date that the correctional officer would have become 100% vested in the service retirement benefit pursuant to§ 8-36-201. Also includes that a correctional officer who voluntarily chooses to retire is entitled to insurance coverage otherwise provided to members who are 100% vested in the member's service retirement benefit pursuant to § 8-36-201 on the date that the correctional officer would have become 100% vested in the service retirement benefit pursuant to§ 8- 36-201.

Effective January 1, 2022.

Chapter No. 470 (HB0714/SB0610). Backpay after arrest. Amends T.C.A. § 7-51-1701 by providing that if a municipality has a or implements a policy that places employees on leave for a period of time immediately following an arrest, the municipality is required to implement a policy of restoring backpay to the employee if the charges are dropped or the employee is found not guilty. Adds that this requirement does not apply when the employee pleads guilty to the charges or enters into a plea agreement, separates from employment voluntarily before the charges are dropped or the employee is found not guilty, or if the employee is administratively terminated for a reason other than the arrest. Also makes the records related to any administrative action subject to the municipality's applicable retention period and not subject to destruction under the expunction statutes. Authorizes the records to be maintained solely for purposes of documenting the administrative action and submissions in litigation.

Effective May 18, 2021.

Chapter No. 478 (HB0772/SB0778). Salary supplement for volunteer firefighters. Amends T.C.A. § 4-24-202 by providing that a fire department with volunteer firefighters who successfully complete an in-service training course each year that is appropriate to a volunteer firefighter's rank and responsibility and the size and location of the volunteer firefighter's department, that is at least 30 hours in duration at a school certified or established by the Commission on Firefighting Personnel Standards and Education ("Commission"), is entitled to receive payment of $600 from the Commission to be paid to

the volunteer firefighter in addition to the volunteer firefighter's other compensation. Also provides that a person is only eligible to receive one payment as either a volunteer firefighter or a firefighter, whichever is greater, for successful completion of the person's annual in-service course.

Effective May 18, 2021 for purposes of promulgating rules and July 1, 2021 for all other purposes.

Chapter No. 486 (HB0171/SB1114). Correctional officer and early service retirement. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 3 by providing that a correctional officer employed by a municipality that is a member of the State retirement plan is eligible for early service retirement upon attaining 25 years of creditable service. Includes that a correctional officer is not required to retire upon attaining 25 years of creditable service and that this language only applies to correctional officers who retire on or after the effective date of this provision.

Authorizes the municipality to require a correctional officer who voluntarily chooses to retire pursuant to this provision to pay a pro rata share of the cost of any insurance coverage otherwise provided to members who are 100% vested in the service retirement benefit based on the time the correctional officer voluntarily chooses to retire until the date that the correctional officer would have become 100% vested in the service retirement benefit pursuant to§ 8-36-201. Also includes that a correctional officer who voluntarily chooses to retire is entitled to insurance coverage otherwise provided to members who are 100% vested in the member's service retirement benefit pursuant to § 8-36-201 on the date that the correctional officer would have become 100% vested in the service retirement benefit pursuant to § 8-36-201.

Effective January 1, 2022.

Chapter No. 499 (HB1383/SB1185). Retired law enforcement officers authorized to accept certain employment without loss or suspension of retirement benefits. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 8 by authorizing a former law enforcement officer who worked full time for a municipality, has been retired for at least 9 months, and was a member of TCRS, a superseded retirement system administered by the State, or certain local retirement funds, to accept employment as a law enforcement officer without loss or suspension of retirement benefits after meeting certain requirements. Also provides that such officers are not entitled to police pay supplements and the officer can only be hired for a period not to exceed 1 year, subject to additional 1 year appointments.

Effective May 25, 2021 and repealed July 1, 2023.

Records

Chapter No. 242 (HB0197/SB0135). Records custodian authorized to petition the court to enjoin certain records requests. Amends T.C.A. § 10-7-503(a)(7) by authorizing a records custodian charged with fulfilling public records requests to petition the court to enjoin a person from making records requests, when the requests are made for the purpose of disrupting government operations. Provides that an injunction cannot be sought until the requestor is notified in writing that his/her conduct may

violate this provision and the conduct does not cease after the notification. The notification is to be provided after the 5th request made by the individuals with the intent to disrupt government operations. Also provides that after a petition is filed, and while the case is pending, all records requests are to be fulfilled from the requestor, but if the records custodian prevails in court, the requestor is required to reimburse the records custodian for all labor incurred by the records custodian in producing the records during the pendency of the case. Provides that the court may enjoin the requestor from making requests for a 1 year period, if the court determines the requests were made for the purpose of disrupting government operations. Requires any records custodian seeking such an injunction to file a report, that includes the petition and any order issued by the court, with the Office of Open Records Counsel no later than 3 months after the petition is filed.

Effective April 28, 2021 and repealed July 1, 2025.

Chapter No. 253 (HB0347/SB0475). Information on federal law enforcement officers made confidential. Amends T.C.A. § 10-7-504 by making information related to federal law enforcement officers conducting an operation in this State confidential like the information related to local and State law enforcement officers.

Effective April 28, 2021 and repealed July 1, 2026.

Chapter No. 304 (HB1312/SB1285). Photos of deceased minor victims at the scene of an accident made confidential. Amends T.C.A. § 10-7-504 by making photographic evidence of a fatal motor vehicle accident that depicts a deceased minor victim at the scene of the accident confidential. Provides that the custodial parent or legal guardian of the deceased minor victim whose photograph is made confidential pursuant to this language may waive confidentiality and allow the minor victim's photograph to be used and obtained in the same manner as other public records.

Effective July 1, 2021.

Chapter No. 327 (HB0560/SB0302). Veteran and minority-owned business status on business or occupation license made public information. Amends T.C.A. §§ 67-1-1707 and 67-4-722 by providing that the name and address of an owner of a business on a business tax license and any information on the license or license application pertaining to whether the owner is a veteran, or a member of a minority group is public record, accessible under the Tennessee Public Records Act.

Effective May 4, 2021.

Chapter No. 333 (HB0851/SB0994). Certain information related to an individual utilizing a property alert service made confidential. Amends T.C.A. § 10-7-504 by providing that the name, mailing address, physical address, phone number, email address, social security number, or any other personally identifying information provided by an individual, whether or not the individual is a citizen of this State, as part of the individual's use of, or participation in, a government-sponsored or -supported property alert service or program, is not a public record and is not open for public inspection. "Property alert service or program" is defined as an online service that electronically alerts participants when a document is filed and indexed in the register of deed's office that references the participant's name or address.

Effective May 4, 2021.

Chapter No. 391 (HB0368/SB1598). Records created by school resource officer confidential in certain situations. Amends T.C.A. § 10-7-504 by making confidential a record of a minor student attending an institution of secondary or elementary education that is created by a school resource or other law enforcement officer, or that is maintained by a law enforcement agency as the result of an incident involving the minor that occurred on school property that did not result in a charge of delinquency, unless: 1.) the person requesting the information obtains consent from the minor's parent or guardian; 2.) the request is made subject to a court order; or 3.) a law enforcement officer of another jurisdiction requests the record when necessary for the discharge of the law enforcement officer's official duties.

Effective May 11, 2021 and repealed July 1, 2026.

Chapter No. 516 (HB0159/SB1608). "Personal Privacy Protection Act" enacted. Amends Tennessee Code Annotated, Title 39, Chapter 13, Part 6 by enacting the "Personal Privacy Protection Act" which prohibits a municipality from releasing, publicizing, or otherwise publicly disclosing "personal information" or the name and data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under § 501 (c) of the Internal Revenue Code, in possession of the municipality. Also prohibits a municipality from requiring an entity exempt from federal income tax under § 501 (c) of the Internal Revenue Code to provide the names or other personal information of persons who have provided financial or nonfinancial support to the exempt entity. Includes that a person who knowingly violates this section commits a Class B misdemeanor.

Effective October 1, 2021.

Chapter No. 555 (HB0910/SB0572). Personally identifying information made confidential. Amends T.C.A. § 10-7-504 by making personal identifying information compiled by and in the possession of municipal law enforcement agencies or detention facilities concerning any person who has been arrested or charged, but not convicted, of any offense confidential. Provides that the street address of a reported crime is not confidential. Includes that this language does not apply to any person who is arrested or charged for a parole or probation violation during the term of a suspended or deferred sentence. Defines "personal identifying information" as the personal telephone number and social security number of the person, as well as the home street address, excluding the name of the city or the zip code.

Also amends T.C.A. § 10-7-504(a)(31) by providing that upon written request, a motor vehicle accident report containing personal identifying information of persons involved in the accident may be given to: 1.) any person named in the motor vehicle accident report; 2.) an agent, legal representative, or attorney of any person or property owner named in the motor vehicle accident report, with certification of permission from the person the agent, legal representative, or attorney represents; 3.) the owner of any real property listed in the report; or 4.) any person or entity authorized to obtain motor vehicle records information pursuant to T.C.A. § 55-25-107(b)(1), (b)(6), or (b)(9).

Effective May 26, 2021.

Taxes-Hotel/Motel

Chapter No. 264 (HB0918/SB0852). Vacation lodging services excluded from the definition of short-term rental unit marketplace. Amends T.C.A. §§ 7-4-101, 67-4-1401, and 67-4-1501 related to the collection of taxes on short-term rentals by excluding "vacation lodging services" defined as a person or entity that is engaged in the business of providing the services of management, marketing, booking, and rental of short-term rental units, from the definition of short-term rental unit marketplace.

Effective April 30, 2021.

Chapter No. 334 (HB0856/SB0576). Definition of "hotel" expanded for purposes of assessing occupancy tax. Amends T.C.A. § 67-4-1401 expanding the definition of "hotel" to include any privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration, for purposes of assessing occupancy tax.

Effective July 1, 2021.

Chapter No. 496 (HB1515/SB1030). Authorization to levy occupancy tax amended. Amends T.C.A. § 67-4-1401 by defining "municipality" for purposes of this provision to include any incorporated city or town, but not a metropolitan form of government. Also adds definitions for "tourism" and "tourism development." Amends T.C.A. § 67-4-1402 by providing that a municipality may levy, modify, or repeal a tax on the privilege of occupancy by ordinance. Provides that any occupancy tax levy must not exceed 4% of the consideration charged for the space, unless a levy or authorization to levy an amount in excess of 4% existed prior to July 1, 2021. Provides that all private acts or ordinances in place before July 1, 2021, remain in effect. Amends T.C.A. § 67-4-1403 by providing that the revenues received by a municipality levying occupancy tax must be designated and used for the promotion of tourism and tourism development. Also provides that the revenues from any occupancy tax levied prior to July 1, 2021, are to be used in the manner prescribed in the private act or ordinance levying the tax. Deletes T.C.A. § 67-4-1425 in its entirety. Also amends Tennessee Code Annotated, Title 67, Chapter 4, Part 14 by providing that any authorization to levy granted through a private act, ordinance or through this part that existed prior to July 1, 2021, remains in full force and effect on and after July 1, 2021, but any change in the use of revenues after July 1, 2021, must be in accordance with the amended language of this part. Also requires any municipality with an existing authorization to repeal that authorization, if the authorization under this part is to be adopted.

Effective July 1, 2021.

Taxes-Property

Chapter No. 522 (HB0358/SB0563). Collection agent authorized to pursue delinquent tangible personal property taxes. Amends T.C.A. § 67-5-2004 by authorizing the county trustee to proceed against a taxpayer who is delinquent in the payment of tangible personal property taxes by retaining an agent to collect such delinquent tangible personal property taxes, plus interest authorized by law, reasonable costs, and legal fees. Includes the process for procuring such an agent.

Effective May 25, 2021 and repealed on July 1, 2024.

Taxes-Sales

Chapter No. 86 (HB0131/SB0215). Definition of tangible personal property amended. Amends T.C.A. § 67-6-102(95) by excluding from the definition of tangible personal property mains, pipes, pipelines, or tanks after it has become attached to a building, or other structure, or installed underground for conducting steam, heat, water, wastewater, oil, electricity, gas, or any property, substance, or product capable of transportation or conveyance therein or that is protected thereby, excluding propane tanks for residential use and above-ground storage tanks that can be moved without disassembly and are not affixed to the land. Such mains, pipes, pipelines, and tanks are deemed realty for purposes of this chapter upon installation.

Also excludes surface, underground, or elevated railroads, or railroad structures, substructures, and superstructures, tracks and the metal thereon, branches, switches, and other improvements or structures permitted or authorized to be made in, upon, or under public or private property. Provides that such railroads, railroad structures, substructures, superstructures, tracks and the metal thereon, branches, switches, and other improvements made in, upon, or under public or private property are deemed realty for purposes of this chapter upon installation.

Effective July 1, 2021.

Chapter No. 401 (HB1437/SB1543). State and local sales tax revenue allocated to a sports authority that has secured an NFL team. Amends T.C.A. § 67-3-103 by allocating certain revenue from State and local sales taxes to pay for capital projects and debt service associated with a sports facility of the Tennessee Titans.

Effective July 1, 2021.

Chapter No. 456 (HB1154/SB0909). Sales tax holiday on the retail sale of food and food ingredients. Amends T.C.A. § 67-6-393 by providing for a sales tax holiday on the retail sale of food and food ingredients from 12:01 a.m. on Friday, July 30, 2021 until 11:59 p.m. on Thursday, August 5, 2021.

Effective July 1, 2021.

Chapter No. 481 (HB0496/SB0897). Premiere type tourist resort tax allocation amended for Gatlinburg and Pigeon Forge. Amends T.C.A. § 67-3-103 by removing the cap on State shared sales tax revenue remitted to Gatlinburg and Pigeon Forge with a distribution of 50% to the county in which the municipality is located, for use by the county for educational purposes and 50% to the municipality where the sale occurred during the 2021-2022 fiscal year. Amends the distribution to 50% to the county in which the municipality is located, for use by the county for educational purposes, 25% to the municipality where the sale occurred and 25% to the State general fund beginning with the 2022-2023 fiscal year.

Effective July 1, 2021.

Chapter No. 558 (HB0975/SB0679). State and local sales tax revenue allocated for a NASCAR motor sports facility in Nashville. Amends T.C.A. §§ 7-3-202, 67-3-103, and 67-6-712 by allocating certain revenue from State and local sales taxes to pay for the capital and operation expenses associated with the Nashville Motor Speedway.

Effective July 1, 2021.

Chapter No. 582 (HB0330/SB0241). Certified Boarder Region Retail Tourism Development District provisions amended. Amends Tennessee Code Annotated, Title 7, Chapter 40, Part 1 by increasing the maximum time period during which a certain portion of State sales taxes are allocated and distributed to a municipality or industrial development corporation that finances development of an extraordinary retail or tourism facility project in a certified border region retail tourism development district, from 30 to 35 years.

Effective May 27, 2021.

Chapter No. 591 (HB0157/SB0481). State sales tax allocated to an NHL franchise extended. Amends T.C.A. § 67-6-103 by extending the State sales tax revenue allocated to the sports authority for purposes of supporting the Nashville Predators operations until June 30, 2049.

Effective May 27, 2021.

Chapter No. 592 (HB0761/SB0551). Sales tax holiday on gun safes and gun safety devices. Amends T.C.A. § 67-6-303 by providing for a sales tax holiday on gun safes and gun safety devices from 12:01 a.m. on July 1, 2021, until 11:59 p.m. on June 30, 2022.

Effective May 27, 2021.

Tobacco

Chapter No. 551 (HB0705/SB1047). Municipalities preempted from enacting or promulgating regulations related to vapor products except in certain situations. Amends T.C.A. § 39-17-1551 by providing that municipalities, metropolitan governments, airport authorities created under Title 42 of Tennessee Code Annotated, and special school districts are preempted from enacting or promulgating regulations related to vapor products after July 1, 2021, except those that regulate vapor products in buildings owned or leased by the entity. Also authorizes municipalities and metropolitan governments to prohibit by ordinance, the use of vapor products in certain areas where **smoking** is authorized to be prohibited.

Effective July 1, 2021.

Chapter No. 574 (HB1028/SB0028). Municipalities authorized to prohibit the use of tobacco products and/or vapor products in certain areas. Amends T.C.A. § 39-17-1551(e) by providing that municipalities and metropolitan governments are authorized to prohibit by ordinance, the use of **tobacco** products and/or vapor products on the grounds of a public park, public playground, public greenway, or any public property that is accessible to persons under the age of 21, as long as the public property is owned by the municipality or metropolitan government. Provides that any such prohibition enacted will not apply to buildings, sidewalks, or roads.

Effective July 1, 2021.

Transportation

Chapter No. 506 (HB0798/SB1417). Statute of limitations established under the Governmental Tort Liability Act for action against a municipality related to injury to person or property from a trolly and light rail accident. Amends T.C.A. § 29-20-203 by requiring all actions, arbitrations, or other binding dispute resolution proceedings to recover damages for any deficiency in the design, planning, supervision, observation of construction, or construction of a trolley or light rail system, for injury to property, real or personal, arising out of any such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, to be brought against any municipality that owns, operates, or controls the trolley or light rail system within 4 years after substantial completion of an improvement.

Effective July 1, 2021.

Utilities

Chapter No. 126 (HB0398/SB0495). Per diem for board members of WWTAs increased. Amends T.C.A. § 68-221-618 by increasing the per diem payment for board members of water and wastewater treatment authorities from $100 to $300 per meeting.

Effective April 13, 2021.

Chapter No. 226 (HB0651/SB0533). Change in net position and water or wastewater facilities. Amends T.C.A. § 68-221-1010 by providing that within 60 days from the time that an audit of a water system or wastewater facility is filed with the Comptroller, the Comptroller must file with the Water and Wastewater Financing Board the audited annual financial report of any water system or wastewater facility that has a deficit total net position in any 1 year, has a negative change in net position for 2 consecutive years, or is currently in default on any of its debt instruments. For purposes of this section, "change in net position" means total revenues less all grants, capital contributions, and expenses. Deletes the language excluding pension liability from calculation of the net position. Also amends T.C.A. § 68-221-1017 by requiring the Water and Wastewater Financing Board to issue an order approving or disapproving the petition for the new utility system within 90 calendar days of receipt of the petition by the board, its agent, or its representative.

Effective April 22, 2021.

Chapter No. 307 (HB0054/SB0374). "**Underground Utility Damage Prevention Act" amended.** Amends T.C.A. § 65-31-111 by inserting that if an excavation or demolition results in damage to an underground utility that permits the escape of any flammable, toxic, or corrosive gas or liquid, then the person damaging the underground utility shall, immediately upon discovery of the damage, notify the operator, notify police and fire departments through the 911 service or other emergency communications system, submit a damage notice to the one-call service, and take any other action as may be reasonably necessary to protect persons and property and to minimize the hazards until arrival of the operator or

police and fire departments. Also adds that each operator whose utility facilities have been damaged as described in this section shall report the incident using the Damage Information Reporting Tool (DIRT) utilized by Common Ground Alliance or by filing a damage notice with the one-call service. Provides that if a report is made by filing a damage notice with the one-call service, then the one-call service may submit a report of the incident report to DIRT. Also amends T.C.A. § 65-28-108 by increasing the penalty public utilities operating gas pipelines must pay for violation of safety standards to between $100,000 and $1 million depending on the violation and the continuous nature of the violation.

Effective July 1, 2021.

Workers' Compensation

Chapter No. 152 (HB0401/SB1576). Timeframe to recover fees for reasonable and necessary court reporter and expert witnesses extended. Amends T.C.A. § 50-6-226 by extending the time frame from June 30, 2020 until June 30, 2023 for recovering reasonable and necessary court reporter expenses and expert witness fees for depositions and trials, incurred when the employer wrongfully denies a claim or wrongfully fails to timely initiate any of the benefits to which the employee or dependent is entitled under this chapter, including medical benefits under § 50-6-204, temporary or permanent disability benefits under § 50-6-207, or death benefits under § 50-6-210, if the workers' compensation judge makes a finding that the benefits were owed at an expedited hearing or compensation hearing.

Effective July 1, 2021.