



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

SUMMARY OF 2023 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 2023

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Alcohol

Chapter No. 109 (HB0444/SB0184). Authorizes certain municipalities with a lower population to hold a referendum on alcohol. Amends T.C.A. § 57-3-101(a)(15) by expanding the definition of “municipality” for purposes of designating which incorporated cities and towns can hold referendums for on-premises consumption of alcohol and retail package stores to include, a city or town that employs a full-time police department and has a population of between 570 and 699 residents according to the 2020 federal census or a subsequent federal census.

Also includes that when an incorporated city or town authorizes a special census by ordinance and provides the alcoholic beverage commission with a certified copy of the census containing the name, address, age, and sex of each person contained therein, and if the census shows that the city or town meets the population requirement in the definition of “municipality” and the commission verifies the existence of a full-time police department, the commission may declare the town or city a “municipality” for purposes of holding a referendum on alcohol sales at retail and for on-premises consumption.

Effective April 4, 2023.

Chapter No. 178 (HB1089/SB1214). Wine in grocery store provision amended. Amends T.C.A. § 57-3-801(a)(1) by adding that a jurisdiction can also authorize the sale of wine in a retail food store via referendum pursuant to § 57-3-106 when the jurisdiction is located within a county that has held and passed a referendum to allow either on-premises consumption of alcohol or retail package stores.

Effective April 17, 2023.

Chapter No. 236 (HB0411/SB0497). Definitions of “beer” and “wine” amended. Amends T.C.A. § 57-3-101(a)(25) and T.C.A. § 57-3-802(2) by inserting that “wine” means the product of the normal alcoholic fermentation of the juice of dried or fresh, sound, ripe grapes, fruit, or other agricultural products.

Also amends T.C.A. § 57-5-101(b) by inserting the following definition for “beer”:

For purposes of this title, "beer" means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in § 57-3-101; provided, that at least fifty-one percent (51 %) of the overall alcoholic content by weight in the finished product is obtained by the fermentation of malt, other cereal grains, sugar, or fruit ingredients used to make cider, and no more than forty-nine percent (49%) of the overall alcoholic content by weight in the finished product is obtained by the addition of flavorings or other non-beverage ingredients containing alcohol.

Effective April 25, 2023.

Chapter No. 291 (HB0044/SB1452). Authorizes referendums related to alcohol to be held in certain municipalities. Amends T.C.A. § 57-3-106(b)(1) by authorizing referendums to be held in the City of

McEwen and in the municipalities within Benton, Lewis, Hardeman, and Grainger counties for the manufacture, receipt, sale, storage, transportation, distribution, and possession of alcoholic beverages.

Effective April 28, 2023.

Chapter No. 374 (HB0191/SB0293). Authorizes certain establishments to sell alcohol for on-premises consumption. Amends T.C.A. § 57-4-102 by authorizing several establishments to sell alcohol for on-premises consumption. The establishments are identified below.

Designee	Location	County
Americano Steakhouse	Roan MTN, TN	Carter
Ober Gatlinburg Ski Resort	Gatlinburg, TN	Sevier
Southshore Resort	Samburg, TN	Obion
Council Fire Golf Club	Chattanooga, TN	Hamilton
The Enclave Resort	Ooltewah, TN	Hamilton
Roamstead Smoky Mountains Resort	Cosby, TN	Cocke
Lakewind RV Resort	Byrdstown, TN	Pickett
Linita's Deli and Market	Nunnally, TN	Hickman
Mountain Arts Community Center	Signal Mountain, TN	Hamilton
4 The Win Cigar Shop & Lounge	Tullahoma, TN	Coffee
TN Valley Railroad Museum	Chattanooga, TN	Hamilton
Woodhaven	Spencer, TN	Van Buren
Smoky Mountain Lakeside Resort and Marina	Dandridge, TN	Jefferson
Farms at Bailey Station	Collierville, TN	Shelby
Staar Theatre at Antoinette Hall	Pulaski, TN	Giles
Amazon BNA 12 Office Towers	Nashville, TN	Davidson
Nashville Yards	Nashville, TN	Davidson
The Factory at Franklin	Franklin, TN	Williamson
Friends in Low Places	Nashville, TN	Davidson
Kirby Pines Estates	Memphis, TN	Shelby
Central Cinema	Knoxville, TN	Knox

The Beeches	Springfield, TN	Robertson
TriState Exhibition Center	McDonald, TN	Bradley
Chief's / Merrit Mansion Historic District	Nashville, TN	Davidson
Cascade Inn	Pikeville, TN	Bledsoe
Fox Den Restaurant	Del Rio, TN	Cocke
Del PizzaRio	Del Rio, TN	Cocke
Sevierville Golf Club	Sevierville, TN	Sevier
The Crown Center	Kingsport, TN	Sullivan
Jackson Baseball Stadium	Jackson, TN	Madison
Sequoyah Marina on Norris Lake	Andersonville, TN	Anderson

Effective May 11, 2023.

Authorities, Boards and Commissions

Chapter No. 128 (HB1430/SB0926). Change in the criteria to serve on the board of directors for an IDB.

Amends T.C.A. § 7-53-301(a) by removing the criteria that members of the board of directors for an IDB be qualified to vote and taxpayers in the municipality in which the IDB is organized and functions.

Effective April 4, 2023.

Chapter No. 394 (HB0879/SB1085). Housing authority entities allowed to form self-insurance pools.

Amends T.C.A. § 13-20-104 by adding when one or more authorities have formed partnerships, limited liability companies, or other entities in which an authority, or an entity affiliated with the authority, is a general partner, managing member, or otherwise participates in the activities of the entity for the sake of undertaking a mixed-finance project, the housing authority-related entities may form a self-insurance pooling arrangement under § 29-20-401. Provides that the housing authority-related entities may enter into an agreement or agreements with each other for joint or cooperative action to pool their financial and administrative resources for the purpose of providing to the participating housing authority-related entities risk management, insurance, reinsurance, self-insurance, or any combination thereof for any and all of the areas of liability or insurability, or both, for such housing authority-related entities.

Effective May 11, 2023.

Chapter No. 410 (HB1197/SB1335). Metro Nashville Sports Authority membership reconstituted.

Amends T.C.A. § 67-108(a)(4) by reconstituting the membership on the Metropolitan Sports Authority to give the mayor of Nashville 7 appointments, the governor 2 appointments, the speaker of the house of representatives 2 appointments, and the speaker of the senate 2 appointments.

Effective May 11, 2023.

Chapter No. 488 (HB1176/SB1326). Membership of Metro Nashville Airport Authority board of directors vacated and reconstituted. Amends § T.C.A. 42-4-105 by vacating and reconstituting the membership of the board of directors for the Metropolitan Nashville Airport Authority to give the mayor of Nashville 2 appointments, the governor 2 appointments, the speaker of the house of representatives 2 appointments, and the speaker of the senate 2 appointments. Also requires the president of the authority to submit the approved annual budget to the governor and speakers for review.

Effective May 19, 2023, for purposes of appointing commissioners to the new airport authority board and July 1, 2023, for all other purposes.

Crimes and Criminal Procedure

Chapter No. 2 (HB0009/SB0003). Certain adult cabaret performances made a criminal offense. Amends T.C.A. § 7-51-1407 by making it a Class A misdemeanor for the first violation and a Class E felony for the second or subsequent violations, for a person to perform adult cabaret entertainment on public property or in a location where adult cabaret entertainment could be viewed by a child.

Preempts an ordinance, regulation, restriction, or license that was lawfully adopted or issued by a political subdivision prior to the effective date of this act that is in conflict with this provision.

Prevents or preempts a political subdivision from enacting and enforcing in the future other ordinances, regulations, restrictions, or licenses that are in conflict with this provision.

Effective April 1, 2023.

Chapter No. 22 (HB0128/SB0147). Statute of limitations for certain offenses extended. Amends T.C.A. § 40-2-101 by extending the statute of limitations for prosecuting the offense of destruction and tampering with government records and the offense of official misconduct from 2 years to 6 years.

Effective July 1, 2023.

Chapter No. 41 (HB0075/SB0256). Immunity from being prosecuted for drug overdose expanded. Amends T.C.A. § 63-1-156(b) by giving a responding officer or the district attorney general's office the authority to decide whether an individual who has experienced a drug overdose for a second or subsequent time will be arrested, charged, or prosecuted.

Effective July 1, 2023.

Chapter No. 64 (HB0353/SB0552). "Sergeant Chris Jenkins Law" passed. Amends Tennessee Code Annotated, Title 55, Chapter 7, Part 1, by enacting the "Sergeant Chris Jenkins Law," which makes it a Class C misdemeanor to operate a motor vehicle upon a public roadway while transporting a ladder on the motor vehicle or in an open bed or trailer, if the ladder falls into the roadway and causes or contributes to a motor vehicle accident. The violation increases to a Class A misdemeanor if death or bodily injury results from the motor vehicle accident.

Effective July 1, 2023.

Chapter No. 90 (HB0167/SB0450). Offenses created for selling or distributing tattoo and body piercing paraphernalia to minors. Amends Tennessee Code Annotated, Title 62, Chapter 38, Part 2, by making it a Class A misdemeanor to sell or distribute tattoo paraphernalia to a minor. Also makes it a Class A misdemeanor for a minor to purchase, attempt receipt of or present fraudulent identification in an attempt to purchase tattoo paraphernalia.

Also amends Tennessee Code Annotated, Title 62, Chapter 38, Part 3 by making it a Class A misdemeanor to sell or distribute body piercing paraphernalia to a minor. Makes it a Class A misdemeanor for a minor to purchase, attempt receipt of or present fraudulent identification in an attempt to purchase body piercing paraphernalia.

Effective July 1, 2023.

Chapter No. 142 (HB0159/SB0172). Possessing a pocket knife while on school property not an offense in certain circumstances. Amends T.C.A. § 39-17-1309(b) by including that it is not an offense for a nonstudent adult to possess a pocket knife while the adult is on school property for the sole purpose of voting in an election, if the pocket knife is concealed on the adult's person and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult.

Defines "pocket knife" as "a knife with one or more blades that fold or collapse into the knife's attached handle and that can be carried inside a person's pocket when collapsed or folded."

Effective July 1, 2023

Chapter No. 185 (HB0563/SB0217). Offense created for charging or demanding gratuity. Amends T.C.A. § 36-3-301(c) by making it a Class C misdemeanor for a municipal mayor to charge a fee or demand compensation of any kind for the solemnization of marriage. Also provides that a violation of this provision creates a rebuttable presumption that this is a basis to institute ouster proceedings under title 8, chapter 47, or quo warranto proceedings under title 29, chapter 35 for the removal of the public official from office.

Effective April 24, 2023.

Chapter No. 189 (HB0253/SB0331). Offense of parentage fraud created. Amends Tennessee Code Annotated, Title 39, Chapter 14, Part 1, by creating the offense of parentage fraud that is committed when a person:

1. Seeks to legally establish another individual as the biological parent of a child in the person's custody with intent to deprive the individual of property or to prevent the child's actual biological parent from exercising parental rights to the child and the person knows or reasonably should know that the individual is not the child's biological parent; or
2. Seeks to be legally established as a child's parent based on the person's status as a biological parent of the child and the person knows or reasonably should know that the person is not the child's biological parent.

Makes this offense a Class B misdemeanor.

Also includes some exceptions.

Effective July 1, 2023.

Chapter No. 209 (HB1251/SB1347). Offense of sexual exploitation of a minor via electronic means expanded. Amends T.C.A. § 39-13-529(d)(4)(G) by adding to the definition of “sexual activity” as used in the offense of sexual exploitation of a minor by electronic means, the “exhibition of the female breast, genitals, buttocks, anus, or pubic or rectal area of any person that can be reasonably construed as being for the purpose of the sexual arousal or gratification of the defendant or another.”

Effective July 1, 2023.

Chapter No. 238 (HB0752/SB0657). Offense added for act committed by foster parent. Amends T.C.A. § 37-2-414(e) by making it a Class C misdemeanor, on the first violation, for a foster parent from a kinship placement to knowingly allow a child in the foster parent’s care to visit with the child’s parent, if the foster parent is aware of a current court order prohibiting the parent from visiting the child. Makes a second or subsequent violation a Class B misdemeanor.

Effective July 1, 2023.

Chapter No. 242 (HB1193/SB0848). Offense of desecration of honored places or flags expanded. Amends T.C.A. § 39-17-311(a) by adding that a person commits an offense who knowingly or recklessly desecrates a place of worship or burial or a state or national flag.

Effective July 1, 2023.

Chapter No. 243 (HB1198/SB1318). “Silas Gable Flatt Law” enacted. Amends Tennessee Code Annotated, Title 55, Chapter 10, Part 4, by enacting the “Silas Gable Flatt Law,” which makes it an offense for a person to knowingly provide a motor vehicle to another person who the provider of the vehicle knows or reasonably should know is under the influence of an intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof.

Also makes it an offense for a person to knowingly provide a motor vehicle to another person who the provider of the vehicle knows or reasonably should know is a person whose driver license has been suspended or revoked by the court pursuant to § 55-10- 404 unless:

- (1) The person receiving the motor vehicle has been granted a restricted driver license pursuant to § 55-10-409; and
- (2) The motor vehicle is being provided for a purpose permissible under the court order granting the person's restricted driver license.

Includes that this offense is a Class A misdemeanor.

Effective July 1, 2023.

Chapter No. 278 (HB0841/SB1059). Book publisher prohibited from distributing obscene material to public schools. Amends T.C.A. § 39-17-902 by making it an offense for a book publisher, distributor, or seller to knowingly sell or distribute obscene matter to a public school serving any of the grades

kindergarten through twelve (K-12). Makes this offense a Class E felony and requires a violator to be fined an amount not less than \$10,000 nor more than \$100,000.

Effective July 1, 2023.

Chapter No. 286 (HB1109/SB1319). The offense of custodial interference expanded. Amends T.C.A. § 39-13-306 by expanding the offense of custodial interference to include harboring or hiding a child within or outside this state, knowing that the child has been placed in the custody of the department of children's services pursuant to a protective custody order or an emergency custody order entered by a court. Includes that it is not a defense to a violation of this provision that the person harboring or hiding the child has not been served with an actual copy of a protective custody order or emergency custody order.

Effective July 1, 2023.

Chapter No. 304 (HB0548/SB0570). Offense related to possessing a device to program a smart key or key fob for purposes of theft created. Amends Tennessee Code Annotated, Title 39, Chapter 14, Part 7, by making it an offense to possess a device, tool, machine, implement, or other item capable of programming a smart key or key fob with the intent to use it or allow it to be used to commit theft. Makes the offense a Class A misdemeanor.

Effective July 1, 2023.

Chapter No. 308 (HB0722/SB0435). Offense of voluntary manslaughter increased. Amends T.C.A. § 39-13-211(b) by increasing the offense of voluntary manslaughter to a Class B felony.

Effective July 1, 2023.

Chapter No. 349 (HB1008/SB1223). “Course of conduct” for purposes of stalking offense expanded. Amends T.C.A. § 39-17-315(a)(1) by adding that for purposes of the “course of conduct” that constitutes stalking, an instance of placing an electronic tracking device, without the consent of a person, on the person or in or on the person's property is stalking, unless installing, concealing, or placing of an electronic tracking device was done at the direction of a law enforcement officer in furtherance of a criminal investigation.

Effective July 1, 2023.

Chapter No. 386 (HB0702/SB0193). “One Pill Will Kill Act” adopted. Amends T.C.A. § 39-17-417(c)(1) by enacting the “One Pill Will Kill Act,” which makes knowingly manufacturing, delivering, selling or possessing cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil a Class B felony, that could include a fine of no more than \$100,000 if the amount involved is point five (0.5) grams or more of any substance containing cocaine, methamphetamine, fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil.

Effective July 1, 2023.

Chapter No. 412 (HB1242/SB1398). Offenses created for the possession, manufacture, sell, or delivery of Xylazine. Amends Tennessee Code Annotated, Title 39, Chapter 17, Part 4, by making it a Class A misdemeanor to knowingly possess Xylazine, except in the course of a legitimate veterinary practice or with a valid prescription from a licensed veterinarian.

Also makes it a Class C felony to knowingly manufacture, sell, or deliver Xylazine or knowingly possess Xylazine with the intent to manufacture, sell or deliver the drug, except in the course of a legitimate veterinary practice or with a valid prescription from a licensed veterinarian.

Effective July 1, 2023.

Chapter No. 413 (HB1280/SB1129). Aggravated stalking offense expanded. Amends T.C.A. § 39-17-315 by expanding the offense of aggravated stalking to include stalking that occurs when the victim of the offense is 65 years of age or older during the course of conduct.

Effective July 1, 2023.

Chapter No. 416 (HB1444/SB1349). Offense increased for debris falling from vehicle and onto another vehicle. Amends T.C.A. § 39-14-507(a) by providing that a noncommercial, not-for-hire vehicle that transports litter or any material likely to fall or be blown off onto the highways, commits a Class C misdemeanor, when hard debris on the noncommercial, not-for-hire vehicle falls or blows off and comes into contact with another motor vehicle while the vehicle is being operated.

Effective July 1, 2023.

Chapter No. 459 (HB0832/SB0807). Definition of “violent sexual offense” amended. Amends T.C.A. § 40-39-202 by removing from the definition of “violent sexual offense,” criminal exposure to HIV.

Effective July 1, 2023.

Chapter No. 487 (HB0806/SB1475). “Pattern of racketeering activity” defined. Amends T.C.A. § 39-12-204 by making it an offense for a person to:

1. Be employed by, or associated with, an enterprise and knowingly conduct or participate in the enterprise through a pattern of racketeering activity.
2. Acquire or maintain, through a pattern of racketeering activities, directly or indirectly, an interest in or control of an enterprise of real or personal property.
3. Receive proceeds derived from a pattern of racketeering activity to use or invest any part of those proceeds in the acquisition of any interest in real or personal property or in the establishment or operation of an enterprise.
4. Attempt or conspire to violate any of the provisions above.

Also defines “pattern of racketeering activity.”

Effective July 1, 2023.

Economic and Community Development

Chapter No. 121 (HB0491/SB0555). Provisions related to tourist development authorities amended. Amends T.C.A. § 7-69-102(c)(4) by expanding the projects that a tourist development authority (“authority”) can acquire, operate, or finance to include performing arts centers and museums.

Also amends T.C.A. § 7-69-103(a)(14) by requiring the governing body of each municipality that created the authority to approve the authority borrowing money and issuing and selling revenue bonds.

Also amends T.C.A. § 7-69-111(e)(1) by requiring the creating municipality, prior to any action authorizing a municipality to pledge its revenues to an authority for the issuance of bonds under this part, to submit a request to the comptroller of the treasury or the comptroller's designee for approval of the pledged security. Includes the documentation that must be submitted to the comptroller or the comptroller's designee for approval.

Effective April 4, 2023.

Education

Chapter No. 111 (HB0588/SB0225). Additional option for approved alternative school program adopted. Amends T.C.A. § 49-6-3402 by providing that a LEA that has established a virtual school pursuant to title 49, chapter 16, part 2, of the Tennessee Code may enter into an agreement with a LEA that has not established a virtual school pursuant to title 49, chapter 16, part 2, for the LEA's virtual school to provide remote instruction to students enrolled in either LEA who have been suspended or expelled from the regular school program. Includes that an agreement entered into pursuant to this subdivision is an approved alternative program for purposes of this section.

Effective July 1, 2023.

Chapter No. 122 (HB0258/SB0579). Local board of education responsible for physical and mental exams for school bus drivers. Amends T.C.A. § 49-6-2108 by providing that the local board of education, instead of the state board of education, must require annual physical and mental examinations of school bus drivers and require reports to be made on forms prescribed by the local board of education. Also requires the local board of education to revoke the certificate issued to a school bus driver if the driver is found to be physically, mentally, or morally unfit to operate a school bus, or if the school bus driver has been convicted of certain offenses.

Effective April 4, 2023, for purposes of promulgating rules and July 1, 2024, for all other purposes.

Chapter No. 144 (HB0068/SB0249). Summer learning camps and after-school learning mini-camps required. Amends T.C.A. § 49-6-1503 by requiring each LEA to conduct summer learning camps and after-school learning mini-camps annually. Expands the definition of "priority student" for purposes of required attendance at after-school learning mini-camps and summer learning camps.

Effective April 4, 2023, for purposes of promulgating rules and July 1, 2024, for all other purposes.

Chapter No. 165 (HB1271/SB0443). The "Access and Opportunity Act" adopted. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3, by enacting the "Access and Opportunity Act," which provides the following:

1. Each LEA must provide transfer students and home school students who enroll or re-enroll in the LEA in good academic standing with equal access to all academic and arts programs, clubs, events, and opportunities offered by the LEA, as provided to non-transfer students enrolled in the LEA.
2. Each transfer student and home school student who enrolls or re-enrolls in a LEA in good academic standing is immediately eligible to participate in all academic and arts programs, clubs, events, and opportunities offered by the LEA.
3. A LEA is not required to guarantee a transfer student or a home school student who enrolls or re-enrolls in the LEA a place or position on any team, club, or organization. LEAs are only required to provide such students the same opportunity to try out or participate that is provided to non-transfer students.

Effective April 17, 2023.

Chapter No. 179 (HB0818/SB1281). Provisions related to failing to stop for a school bus amended.

Amends T.C.A. § 55-8-151(a) by adding that a person operating a motor vehicle who fails to stop when a school bus is stopped for the purpose of allowing children to enter or exit the bus, on a second or subsequent violation, commits a Class A misdemeanor punishable only by a fine of no less than \$500 and no more than \$1,000.

Also amends T.C.A. § 55-8-151(c) relative to the use of the video or photographic evidence taken from cameras installed on buses for purposes of capturing vehicles that fail to stop when approaching a school bus that is stopped to allow children to enter or exit the bus, the issuance of the notice of citations based solely on the photographic or video evidence, and the penalty for failing to stop when the evidence of such failure is based solely on the photographic or video evidence taken from the cameras installed on a bus.

Effective July 1, 2023, and applies to all notices of violation and citations issued on or after July 1, 2023, and to contracts entered into, amended, or renewed on or after July 1, 2023.

Chapter No. 210 (HB1321/SB1434). Certain electronic device allowed to be used by school bus drivers.

Amends T.C.A. § 55-8-192(c) by exempting from the offense of operating a school bus while using a portable electronic device, the use of a portable electronic device for navigation of the school bus and for accurately accounting for students at bus pick-up and drop-off locations through use of the device's global positioning system if:

- (A) Neither of the driver's hands are used to hold the device or to enter data into the device while the school bus is in motion;
- (B) The device is mounted on the school bus's windshield, dashboard, or center console area in a manner that does not hinder the driver's view of the road; and
- (C) The driver views only data related to the navigation of the school bus and student

information related to bus pick-up and drop-off location.

Effective July 1, 2023.

Chapter No. 257 (HB1416/SB0317). Barriers to education success for students of military families required to be removed. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 3, by requiring that the state, and each school district and public school of this state, remove barriers to educational success imposed on children of military families because of frequent moves of their parents by extending the benefits and opportunities provided to children of active duty members of the uniformed services in the Interstate Compact on Educational Opportunity for Military Children, codified in § 49-12-301, to school-aged children in the household of a member of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, who are enrolled in any of the grades kindergarten through twelve (K-12).

Effective April 28, 2023.

Chapter No. 279 (HB0826/SB1069). Superintendent allowed to not assign students to alternative school under certain circumstances. Amends T.C.A. § 49-6-3402(c)(1)(C) by providing that a director of schools, or a director's designee, is not required to assign a student in grades seven through twelve (7-12) who has been suspended for more than ten (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:

- (a) 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; or
- (b) The director of schools, or the director's designee, determines that assigning the student to the alternative school or alternative program may endanger the safety of the students or staff of the alternative school or alternative program.

Effective April 28, 2023.

Chapter No. 299 (HB0340/SB0190). Threats of mass violence considered a zero-tolerance offense. Amends T.C.A. § 49-6-3401(g)(2) by adding that a student is considered in violation of a zero-tolerance offense and shall be expelled for a period of not less than one (1) calendar year, except that the director of schools may modify this expulsion on a case-by-case basis, when the student threatens mass violence on school property or at a school-related activity.

Effective July 1, 2023.

Chapter No. 310 (HB0782/SB0971). Financial literacy education information to be provided on request. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 17, by requiring, subject to applicable federal and state laws, rules, and regulations, and upon the request of the Tennessee Financial Literacy Commission, each public elementary and middle school, or each LEA on behalf of the schools, to provide information to the commission or department of education about the financial literacy education provided to public elementary and middle school students during the school year

Effective April 28, 2023.

Chapter No. 338 (HB1324/SB1268). Third grade retention requirements amended. Amends T.C.A. § 49-6-3115(a)(2)(A) by adding that beginning with the 2023-2024 school year, a student who in the third grade is determined not to be proficient in English language arts (ELA) based on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test, may still be promoted to the fourth grade if the student demonstrates proficiency in ELA standards based on the student's scoring within the fiftieth percentile on the most recently administered state-provided benchmark assessment, if the benchmark assessment is administered to the student in a test environment, as determined by the department of education, and the student's LEA agrees to provide tutoring services to the student for the entirety of the student's fourth-grade year based on tutoring requirements established by the department.

Provides that if a student is promoted to the fourth grade pursuant to the language above, then the student's LEA must notify the student's parent or guardian, in writing, of the benefits of enrolling their student in a learning loss bridge camp and encourage the parent or guardian to do so.

Also requires that beginning with the 2023-2024 school year, a student who is retained in any of the grades kindergarten through three (K-3) must be assigned a tutor to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department. Includes that the department of education may procure up to three (3) online tutoring providers for LEAs to use to provide online tutoring services to students.

Effective May 5, 2023.

Chapter No. 343 (HB1357/SB0906). Teacher required to receive full salary and full benefits when placed on leave after being assaulted on the job. Amends T.C.A. § 49-5-714 by providing that when a teacher is assaulted in the course of the teacher's employment activities, the LEA is required to pay the teacher's full salary and full benefits, until the teacher is released to return to work or determined to be permanently and totally disabled from returning to work, whichever occurs first.

Requires the teacher to file a workers' compensation or other similar benefit claim, if eligible, and if the teacher receives such benefits, requires the LEA to pay the difference between the teacher's full salary and the workers' compensation or other similar benefit received.

Limits this requirement to one year unless the LEA has adopted a policy with greater benefits.

Effective July 1, 2023.

Chapter No. 350 (HB1324/SB1268). Meeting requirements for local boards of education amended. Amends T.C.A. § 49-2-203 by providing that notwithstanding the language in the Tennessee Open Meetings Act, a local board of education may, during a scheduled meeting, allow members to participate in the meeting electronically through telephone, videoconferencing, or other web-based media when there is a quorum present at the physical meeting location. Sets out the criteria for a member to participate electronically. Also requires the board to develop a policy for conducting electronic meetings that is consistent with the language in this provision.

Effective May 5, 2023.

Chapter No. 353 (HB0727/SB1443). Consent required for students to participate in certain activities. Amends T.C.A. § 49-2-211 by requiring a LEA to obtain written consent of a parent, legal guardian, or

student who is 18 years of age or older, before the student participates in a survey, analysis, or evaluation. Includes that consent can be withdrawn at any time.

Also amends T.C.A. § 49-1-1002 by providing that a parent or legal guardian who wishes to excuse a student from participating in a health screening provided as part of a coordinated school health program must submit a request in writing to the student's school nurse, instructor, school counselor, or principal. Provides that "health screening" includes vision, dental, blood pressure, and hearing screenings.

Also amends T.C.A. § 49-6-1308 by adding that if a student is 18 years of age or older, the student must provide written, informed, and voluntary signed consent for the student to receive instruction in sexual orientation or gender identity curriculum.

Also amends T.C.A. § 49-6-1031(b) by prohibiting a school from allowing a minor student to become a member of a club or organization or allowing a minor student to participate in any activity of a club or organization, unless the student's parent or legal guardian first provides consent to the student's membership or participation in a dated, written consent.

Effective July 1, 2023.

Chapter No. 367 (HB0322/SB0274). School safety provisions amended. Amends T.C.A. § 49-6-804 by including that each district-wide school safety team and building-level school safety team must consider including in a district-wide school safety plan or building-level school safety plan a mobile panic alert system that can connect diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies.

Requires that by July 1, 2023, and by each July 1 thereafter, each LEA must provide the following to each local law enforcement agency with jurisdiction, the department of education, and the department of safety:

1. The LEA's district-wide school safety plan;
2. The building-level school safety plan for each school in the LEA; and
3. The floor plans for all school buildings within the LEA.

Also requires other plans, information or records related to school security to be provided to law enforcement upon request.

Also amends T.C.A. § 49-6-807 by requiring annual incident command drills and emergency safety bus drills to be conducted. Includes requirements for how each is to be conducted and how the results of each are to be maintained.

Also adds T.C.A. § 49-6-817 by requiring each public school operated by a LEA to ensure that all exterior doors leading into a school building are locked at all times and access to school buildings is limited to the school's primary entrance, unless otherwise determined by school policy, to prevent unauthorized entry into the school building while students are present during the school day as well as when students are present outside of regular school hours for school-related purposes or activities.

Allows state and local law enforcement to inspect doors to determine whether they are locked. If a door is found to be unlocked, the LEA must immediately lock the door and within 24 hours, send written

notification to a number of enumerated entities. Includes penalties for failure to ensure the doors are locked, up to loss of TISA funds.

Adds T.C.A. § 49-6-818 by providing minimum construction requirements for schools being constructed or remodeled after July 1, 2023.

Also amends T.C.A. § 62-35-118 and T.C.A. § 62-35-122 by providing training and registration requirements for armed and unarmed security guards working at schools.

Effective May 10, 2023, for purposes of promulgating rules and July 1, 2023, for all other purposes.

Chapter No. 399 (HB0983/SB1458). Certain school personnel granted paid leave for a birth, stillbirth or adoption. Amends Tennessee Code Annotated, Title 8, Chapter 50, Part 8, by requiring a LEA to grant an absence from work with pay for a period of time equal to six work weeks after the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child upon the employee giving thirty-days' notice to the employee's LEA; provided, however, that if an employee learns of the birth, stillbirth, or adoption of the employee's child less than thirty days in advance of the birth, stillbirth, or adoption, then the employee must give notice of the birth, stillbirth, or adoption to the employee's LEA as soon as reasonably possible to be eligible to receive pay granted pursuant to this provision.

Includes that an "eligible employee" who is granted leave pursuant to this provision must not be required to use the employee's sick, annual, or other leave for the leave taken, as the leave granted pursuant to this provision counts toward the employee's use of leave under the FMLA.

Limits an "eligible employee" to receiving no more than six work weeks of paid leave pursuant to this provision within a twelve-month period. Requires paid leave under this provision to be paid at 100% of the employee's salary.

Requires each LEA to establish policies for implementing this provision.

Requires the state to reimburse a LEA that provides paid leave pursuant to this section in an amount equal to the leave paid by the LEA.

Effective July 1, 2023.

Chapter No. 435 (HB01232/SB1231). LEA authorized to contract with a private college or university to maintain a teacher training school. Amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1, by authorizing a LEA to contract with a private college or university accredited by the Southern Association of Colleges and Schools Commission on Colleges that has its primary campus domiciled in this state, for the college or university to maintain a training school for grades pre-kindergarten through twelve (pre-K-12), or any combination of grades pre-kindergarten through twelve (pre-K-12), to provide practice teaching experience for teachers in training.

Requires the students enrolled in the training school to be taught the same course of study as prescribed by the state board of education for the LEA in grades prekindergarten through twelve (pre-K-

12), or the grades appropriate for the particular school. Includes that the training schools must meet the same requirements established by law and the state board's rules for public schools.

Also adds that a college or university that has entered into a contract with a local board of education pursuant to this provision may receive all state and federal funds received by the local board of education as a result of this contract for the operation of the training school, including TISA allocations and any other funds that may be allocated for the operation of public schools of this state.

Effective May 11, 2023.

Chapter No. 437 (HB0329/SB0281). Teacher base salary schedule increased and prohibition on deducting union dues from teachers' salaries added. Amends T.C.A. § 49-3-306(a) by increasing the base salary for teachers to no less than \$42,000 for the 2023-2024 school year and includes an increase for each school year until the 2026-2027 school year.

Also amends Tennessee Code Annotated, Title 49, Chapter 2, Part 1, by prohibiting a LEA from deducting dues for a professional employees' organization from the salary of teachers.

Effective July 1, 2023.

Chapter No. 438 (HB0158/SB0102). LEA prohibited from requiring an educator or other employee of the LEA to participate in "implicit bias training." Amends Tennessee Code Annotated, Title 49, Chapter 5, by providing that a LEA must not require an educator or other employee of the LEA to complete or participate in implicit bias training. Also includes that a LEA must not take an adverse employment action against an educator or other employee of the LEA for the educator's or employee's failure or refusal to complete or participate in implicit bias training. Defines "implicit bias training."

Effective July 1, 2023.

Chapter No. 439 (HB0250/SB0198). Certain career readiness assessments required to be provided to high school seniors. Amends T.C.A. § 49-6-6001(b)(4) by requiring LEAs to provide each high school senior the opportunity to take nationally recognized career readiness assessments in the 2023-2024 school year; provided, that the assessments meet certain enumerated requirements.

Effective May 17, 2023.

Chapter No. 448 (HB1269/SB0466). Preferred pronouns not required to be used by a teacher or other LEA employee. Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 51, by providing that a teacher or other LEA employee is not:

1. Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex;
2. Civilly liable for using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and
3. Subject to an adverse employment action for not using a student's preferred pronoun, if the student's preferred pronoun is inconsistent with the student's biological sex.

Includes that a public school or LEA is not civilly liable if a teacher or employee of the public school or LEA refers to a student using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun.

Effective May 17, 2023.

Chapter No. 472 (HB0663/SB0966). Policy must provide LEA with authority to remove inappropriate material from a school library collection. Amends T.C.A. § 49-6-3803 by requiring a local board of education to develop a policy that includes a procedure for the LEA to receive and evaluate feedback from a student, a student's parent or guardian, or a school employee regarding one or more of the materials in the library collection of the student's or employee's school.

Also provides that if a LEA receives feedback on material in the library collection and the LEA does not reach a resolution on the material with the person who provided feedback on the material, then the local board of education must evaluate the material to determine whether the material is appropriate for the age and maturity levels of the students who may access the materials, and to determine whether the material is suitable for, and consistent with, the educational mission of the school.

Finally provides that if the LEA, including the local board of education, determines that material contained in the school's library collection is not appropriate for the age and maturity levels of the students who may access the materials, or is not suitable for, or consistent with, the educational mission of the school, then the school must remove the material from the library collection.

Effective May 17, 2023.

Elections

Chapter No. 163 (HB0335/SB0424). Process for filling vacancy amended for municipalities with general law city manager-commission charters. Amends T.C.A. § 6-20-110(b) by authorizing the members of a board of commissioners in a city with a general law city manager-commission charter, upon 2/3 vote, to notify the county election commission within 90 days of a vacancy on the board, of the board's intent to fill the vacancy by special election.

Effective April 17, 2023.

Chapter No. 391 (HB0817/SB0526). Certain election procedures prohibited. Amends T.C.A. § 6-53-110 by prohibiting members of a local legislative body from being elected through an election procedure that requires candidates to be nominated from a district and elected at large.

Effective January 1, 2024.

Chapter No. 444 (HB0933/SB0346). High schools required to provide seniors information about voter eligibility. Amends T.C.A. § 2-2-111 by requiring each high school to inform each high school senior that upon reaching the age of 18, the student may be eligible to vote and provide information from the secretary of state about voter eligibility and how to register to vote, including the date and time of the supplemental voter registration conducted at the student's high school. Includes that this provision is

not penal in nature and no punitive measures may be taken against the person tasked by the high school to provide the information.

Effective May 17, 2023.

Environment

Chapter No. 86 (HB0319/SB0271). Location and funding for brownfield redevelopment expanded.

Amends T.C.A. § 7-53-316 by inserting that it is the intent of the general assembly to encourage the redevelopment of brownfield sites throughout the state and not just in economically disadvantaged areas. Also expands the definition of “qualified projects” to include “public infrastructure,” “the cost of acquisition of a project site,” and “costs of improvements of a project site.” Creates the “brownfield redevelopment area fund” that is to be administered by TDEC to assist with brownfield redevelopment.

Effective July 1, 2023.

Finance

Chapter No. 83 (HB0129/SB0146). Collateral on certain government deposits limited. Amends T.C.A. § 9-1-107(a)(2) by removing the authorization for funds that exceed the insurance limits on the accounts, to be deposited or invested by municipalities into federal savings bank accounts, when the deposits or investments are secured by collateral that consists of a promissory note secured by a first mortgage or a first deed of trust upon residential real property in Tennessee.

Effective July 1, 2023.

General Government

Chapter No. 21 (HB0048/SB0087). Membership of metropolitan council reduced to no more than 20.

Amends Tennessee Code Annotated, Title 7, Chapter 1, by providing that notwithstanding a provision in a metropolitan government charter to the contrary, the membership of a metropolitan council must not exceed 20 voting members. Provides that the reduction of members does not take effect until the next general metropolitan government election after the effective date of this act. Includes the process to be used to dissolve, combine, or reapportion districts or wards to comply with this provision.

Effective March 9, 2023.

Chapter No. 37 (HB0182/SB0158). Ethics commission to be notified of person responsible for administering and enforcing ethics code. Amends T.C.A. § 8-17-104 by requiring that no later than January 1, 2024, someone in each municipality notify the ethics commission, either in writing or by email, of the primary person responsible for administering and enforcing the municipality's ethics code. The responsible individual's business address, phone number and email address must also be provided

to the ethics commission. Any change in the responsible party must be provided to the ethics commission within 30 calendar days of such change.

Requires the ethics commission to notify the speaker of the house, the speaker of the senate, and the comptroller of any municipality not in compliance with this provision by January 31, 2024, and each January 31 thereafter.

Effective March 14, 2023.

Chapter No. 202 (HB0954/SB0791). Use of funds received from the privilege tax assessed under the “Tennessee Sports Gaming Act” expanded. Amends T.C.A. § 4-49-104(e)(2) by adding that municipalities can use the funds received from the state treasurer from the privilege tax collected under the “Tennessee Sports Gaming Act” for emergency services, in addition to local infrastructure projects.

Effective July 1, 2023.

Chapter No. 213 (HB0023/SB0027). Agendas Required. Amends Tennessee Code Annotated, Title 8, Chapter 44, Part 1, by adding that at least 48 hours prior to a meeting of the local legislative body (city, town or metropolitan government council, board of commissioners, or board of mayor and aldermen), the agenda for the upcoming meeting must be made available to the public, at no charge, in a place accessible to the public. Requires the agenda to reasonably describe the matters to be deliberated upon or acted on during the public meeting.

Authorizes the local legislative body to deliberate or act upon matters not on the agenda if the body follows its bylaws or properly adopted rules or procedures and all other applicable state laws. Provides that this authorization is not to be used to circumvent the spirit or requirements of the open meetings act by withholding items from the agenda to avoid public disclosure of a matter to be considered by the body.

Permits a local government legislative body to utilize a website it maintains to make an agenda available to the public for purposes of complying with the requirement that the agenda be made available to the public at no charge in a place accessible to the public.

Effective April 25, 2023.

Chapter No. 256 (HB0275/SB0292). Needle exchange distance requirements amended. Amends T.C.A. § 68-1-136 by prohibiting a needle exchange program from being operated within 1000 ft. of a school or public park, except in Kingsport where such operation must not occur within 2,000 ft. of a school or public park.

Effective July 1, 2023.

Chapter No. 300 (HB0448/SB0551). Public comment period required. Amends Tennessee Code Annotated, Title 8, Chapter 44, Part 1, by requiring a governing body to reserve a period for public comment, at each public meeting, where the public has the opportunity to comment on matters that are germane to the items on the agenda for the meeting.

Provides that this section does not apply to:

1. A meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body; or
2. A meeting where there are no actionable items on the agenda.

Authorizes the governing body to adopt reasonable restrictions on the period for public comment, including restrictions related to the length of the public comment period, the number of individuals who can speak during the period, and the length of time each individual can speak. Includes that restrictions may also require an individual to sign up in advance of a meeting, in order to speak during the meeting. Requires the governing body to take all practicable steps to ensure that opposing viewpoints are represented fairly, if those with opposing viewpoints desire to comment.

Requires the public notice for a meeting to include the manner in which an individual must sign up to speak at the meeting, when advance notice is required.

Effective July 1, 2023.

Chapter No. 312 (HB0799/SB1377). Energy code provisions amended. Amends T.C.A. § 13-19-106 by deleting the requirement that municipalities adopt the state energy code for energy conservation in new building construction.

Also amends T.C.A. § 13-19-101 by deleting the language that provided that the Model Energy Code, 1992 Edition, for energy conservation in new building construction, published by the Council of American Building Officials, was the minimum requirements for the effective use of energy in new buildings.

Also amends T.C.A. § 4-3-734 by deleting the language that provided the minimum energy conservation standards for any new residential building construction on or after January 1, 2009, was the 2003 International Energy Conservation Code published by the International Code Council.

Amends T.C.A. § 68-120-101(b)(2)(A) by adding that the minimum statewide building construction safety standards do not apply for one-family and two-family construction, when the municipality has adopted all of the other enumerated codes and the International Energy Conservation Code, published by the International Code Council, and is not more stringent than the state minimum standard.

Effective July 1, 2023.

Chapter No. 314 (HB0903/SB0779). Additional remedy added when cleaning dirty and overgrown lots. Amends T.C.A. § 6-54-113(c) by adding that when the owner of property has received the required notice to clean up a dirty or overgrown lot and fails to do so and the lot is cleaned up by the municipality, the cost of cleaning the lot can be added onto the owner's real property tax bill. Includes that adding the amount onto the real property tax bill does not constitute a lien and the amount does not accrue penalties or interest for late payment.

Effective April 28, 2023.

Chapter No. 337 (HB0317/SB0269). Juneteenth made a legal holiday. Amends T.C.A. § 15-1-101 by

adding June 19th, also referred to as Juneteenth, to the list of official state holidays.

Effective May 5, 2023.

Chapter No. 356 (HB0281/SB1215). Expunction of municipal ordinance violation authorized. Amends T.C.A. § 16-18-302(a) by authorizing a municipal court to expunge a conviction of a municipal ordinance from a person's public record in municipal court upon the person's petition requesting expungement of such record. Allows the court to grant the petition when:

1. The petition satisfactorily demonstrates to the court that the petitioner merits such relief;
2. At the time of the filing of the petition, at least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation; and
3. the person has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

Limits the municipal court's jurisdiction under this provision to records in that municipal court and excludes from the court's jurisdiction under this provision records of the department of safety relating to driver records or the driver improvement program.

Effective July 1, 2023.

Chapter No. 357 (HB0379/SB0233). Protective services provisions amended. Amends T.C.A. § 62-35-134 by adding that it is unlawful for any person to knowingly employ as a security guard/officer an individual who does not hold a valid registration card of the appropriate type as provided in § 62-35-119(c). Includes that a violation of provision is a Class A misdemeanor, punishable by fine only.

Requires the alcoholic beverage commission or a beer board to suspend a license or permit for on-premises consumption, as applicable and in accordance with title 57, of a person for a violation of this provision for a period of one (1) month per violation. Provides that the alcoholic beverage commission or a beer board may seek to revoke or summarily suspend the license or permit.

Includes that the prohibition does not apply when the improperly registered or unregistered security guard/officer was employed by a contract security company that was contracted with to provide security services at the establishment that holds the license or permit to serve alcohol for on-premises consumption.

Effective July 1, 2023.

Chapter No. 364 (HB0846/SB0832). Certain required votes for improvements to public facilities declared against public policy and void. Amends Tennessee Code Annotated, Title 7, Chapter 2, by providing that notwithstanding the provisions of another law to the contrary, a metropolitan government ordinance, resolution, or charter provision that requires a supermajority vote of the local legislative body in order to make improvements to, renovations to, or the demolition and replacement of existing facilities owned by the metropolitan government when such facilities are to be used for substantially the same use and purpose as the use prior to improvement, renovation, or demolition and replacement is declared to be contrary to public policy and is void.

Includes that the voting requirement for improvements, renovations, or the demolition and replacement of existing facilities owned by the metropolitan government that are to be used for substantially the same use as the use prior to improvement, renovation, or demolition and replacement, including the lease of the property to a private entity for the purpose of making the improvement, renovation, or demolition and replacement, or operation of the facility, must be the same voting requirement applicable to ordinances of the legislative body in general.

Effective May 5, 2023.

Chapter No. 372 (HB0155/SB0457). Pay supplement authorized for certain EMS personnel. Amends Tennessee Code Annotated, Title 68, Chapter 140, Part 3, by requiring that a licensed Tennessee ambulance service with full-time employed emergency medical services personnel who successfully complete in each year an in-service training course, appropriate to the emergency medical services personnel's rank and responsibility, of at least 40 hours duration at a training center receive from the board of emergency medical services a pay supplement of \$800 for each emergency medical services personnel who completes the in-service training course. Adds that this supplement is to be paid to the emergency medical services personnel in addition to the emergency medical services personnel's regular salary.

Also includes that emergency medical services personnel who served, or serve, on active duty in the armed forces of the United States during a period of armed conflict prescribed by presidential proclamation or federal law must receive the cash salary supplement provided pursuant to this section, if such service prevented, or prevents, such emergency medical services personnel from attending the in-service training program pursuant to this section.

Effective May 11, 2023, for purposes of promulgating rules and January 1, 2024, for all other purposes.

Chapter No. 376 (HB0296/SB0723). New code inspector provisions adopted. Amends T.C.A. § 68-120-118 by adding that a person entering into employment as a municipal building, plumbing, mechanical, or electrical inspector within a municipality that has voted by 2/3 vote to be exempt from minimum statewide building construction safety standards for one-family and two-family dwellings, may perform field inspections as of the date of employment, but must obtain either a commercial or residential certification, or both, within 12 months of the date of employment.

Also amends Tennessee Code Annotated, Title 68, Chapter 120, Part 1, by adding that a municipality may, by a majority vote of the local legislative body, adopt an ordinance allowing the municipality to accept electrical inspections, whether residential or commercial, issued by engineers who are registered in accordance with title 62, chapter 2. Requires an engineer to register as an inspector with the state fire marshal in accordance with this section prior to conducting an inspection. Also requires a municipality that votes to accept inspections pursuant to this provision to comply with the requirements in this provision.

Includes that a municipality must not accept an inspection from an engineer who has a conflict of interest. Sets out what constitutes a conflict of interest.

Also includes retention requirements for certain reports issued by the engineer and the municipality.

Effective May 10, 2023.

Chapter No. 382 (HB0457/SB0773). Youth sports safety provisions amended. Amends T.C.A. § 49-6-3601(b) by requiring that each year, a LEA that provides a school youth athletic activity, implement certain safety standards, to include encouraging all coaches, whether employed by the LEA or a volunteer, to annually complete training in physical conditioning and in the use of training equipment to the extent such training is readily available and implementing an emergency action plan that facilitates, organizes, and provides for the rehearsal of the actions of coaches and athletes in an emergency.

Also amends T.C.A. § 49-6-3601(d) by adding that beginning with the 2023-2024 school year, a LEA that provides a school youth athletic activity in which youth 14 years of age or younger are eligible to participate must implement and ensure that certain safety standards are implemented by all individuals actively involved in organizing, training, or coaching the school youth athletic activity at the LEA.

Also amends T.C.A. § 49-6-3601(d) by requiring municipalities and non-profit organizations that organize a community-based youth athletic activity to ensure that at least one individual who is actively involved in organizing, training, or coaching the community-based youth athletic activity has completed, and is in compliance with, the safety standards applicable to coaches and volunteers outlined in § 49-6-3601(b)(1)-(3) and (c), and that at least one individual who has completed, and is in compliance with, the safety standards applicable to coaches and volunteers outlined in § 49-6-3601(b)(1)-(3) and (c) is present at each practice and competition of a community-based youth athletic activity, if:

1. Youth 14 years of age or younger are eligible to participate in the community-based youth athletic activity; and
2. The community-based youth athletic activity is conducted on property that is owned, managed, or maintained by this state or a political subdivision of this state.

Effective July 1, 2023.

Chapter No. 390 (HB0814/SB0907). Municipalities required to recognize state fire permit issued to mobile food units. Amends Tennessee Code Annotated, Title 68, Chapter 1, Part 1, by requiring the state fire marshal to create a state fire permit that mobile food units may obtain annually to demonstrate fire safety and electrical code compliance to municipalities. Requires a municipality to recognize the state fire permit in its jurisdiction and prohibits a municipality from requiring a mobile food unit with a state fire permit to obtain a local fire permit or pass a local fire inspection. Includes the standards that a mobile food unit must meet to obtain a state fire permit.

Provides that a mobile food unit:

1. Is not required to obtain a state fire permit; and
2. Can be required to obtain a local fire permit and submit to a local fire inspection when the mobile food unit does not hold a state fire permit.

Effective May 11, 2023.

Chapter No. 398 (HB0938/SB0851). Contraction or deannexation provisions expanded. Amends T.C.A. § 6-51-201 by authorizing owners of real property used primarily for agricultural purposes who reside in a territory previously annexed by ordinance that was not annexed through a referendum or a request of the property owner to petition the municipality to deannex such property, if:

1. The deannexation of the property does not create an area of unincorporated territory that is completely surrounded by municipal boundaries; and
2. The owner of some or all of the property at the time the petition is made:
 - (i) Is the same owner or owners as when the property was annexed; or
 - (ii) A direct descendant of the person who owned the property at the time of annexation. As used in this provision, "direct descendant" means a child, grandchild, or a sibling.

Includes that the petition must include a copy of the ordinance that includes the map of the plat seeking deannexation and the map must be the same map the municipality used to annex the territory.

Provides that upon receiving the petition for deannexation, the municipality must determine the debt amount owed pursuant to § 6-51-204(a), if any, within 30 days.

Also provides that the deannexation of the property becomes operative 90 days after receipt of the petition by the municipality.

Defines "property used primarily for agricultural purposes."

Also amends T.C.A. § 6-51-204(a) to provide that all municipal jurisdiction ceases over the territory excluded from the municipality's corporate limits on the operative date of a contraction accomplished through a petition by an owner of property used primarily for agricultural purposes pursuant to § 6-51-201(c), but the municipality is authorized to continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of debt newly contracted after the territory was annexed and prior to the exclusion.

Effective July 1, 2023.

Chapter No. 423 (HB0403/SB0378). Provisions adopted regulating the sale and distribution of products containing a hemp-derived cannabinoid. Amends Tennessee Code Annotated, Title 43, Chapter 27, by defining "hemp-derived cannabinoid" as either:

1. A cannabinoid other than delta-9 tetrahydrocannabinol, or an isomer derived from such cannabinoid, that is derived from hemp in a concentration of more than one-tenth of one percent (0.1 %); or
2. Hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three-tenths of one percent (0.3%) or less on a dry weight basis.

Makes it a Class A misdemeanor to knowingly sell or distribute a product containing a hep-derived cannabinoid without having first obtained proof of age from the purchaser or recipient.

Makes it a Class A misdemeanor for a person under the age of 21 to knowingly purchase, possess, accept receipt of, or present fake identification in order to obtain a product containing a hemp-derived cannabinoid.

Makes it a Class A misdemeanor to knowingly distribute samples of products containing a hemp-derived cannabinoid in or on a public street, sidewalk or park.

Beginning July 1, 2024, a person or entity engaged in the business of manufacturing, producing, or selling products containing a hemp-derived cannabinoid is required to obtain a state license before doing so and failure to do so is a Class A misdemeanor.

Provides that beginning July 1, 2024, a retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grades from kindergarten through grade twelve (K-12) must not sell products containing a hemp-derived cannabinoid, unless the applicant provides the department with documentation that establishes that products containing a hemp-derived cannabinoid were being offered for sale at retail at such location on December 31, 2023.

The definition provisions and offense provisions effective July 1, 2023. All other provisions effective July 1, 2024.

Chapter No. 454 (HB0764/SB0591). Community oversight boards abolished. Amends T.C.A. § 38-8-312 by preempting any law, ordinance, charter provision, or regulation related to a community oversight board or other similar police oversight body, that as of January 1, 2023, does not conform to this public chapter.

Also includes that a local governing body that created a police advisory and review committee, community oversight board, or other similar police oversight body prior to July 1, 2023, must comply with this section within 120 days of July 1, 2023, or the community oversight board or other similar police oversight body is terminated.

Adds the requirements, powers, and makeup for any new police advisory and review committee formed by a municipality.

Also adds the appointment process and duties of the executive director for any new police advisory and review committee.

Also amends T.C.A. § 38-8-309 by clarifying that the language in T.C.A. §§ 38-8-301 through 38-8-309 related to investigations of police officers only applies to those agencies that provide a property interest in employment for their police officers and that have no other established procedures for dealing with the dismissal, demotion, suspension or transfer for punitive reasons of police officers.

Effective July 1, 2023.

Chapter No. 465 (HB0976/SB0856). The “James ‘Dustin’ Samples Act,” adopted. Amends Tennessee Code Annotated, Title 7, Chapter 51, Part 2, by enacting the “James ‘Dustin’ Samples Act,” which provides that if a firefighter is diagnosed with post-traumatic stress disorder as a result of responding to one or more incidents with at least one of the factors listed below, then the injury is presumed to have been incurred in the line of duty and is compensable under the Workers' Compensation Law, unless it is

shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by non-service-connected risk factors or non-service-connected exposure. For purposes of determining whether an injury is presumed to have been incurred in the line of duty, it must be determined if the firefighter:

1. Directly witnessed the death of a minor, or treated the injury of a minor, who subsequently died before or upon arrival at a hospital emergency department;
2. Directly witnessed an individual whose death involved a serious bodily injury of a nature that shocks the conscience;
3. Responded to an event where there was a victim with a serious bodily injury that shocks the conscience; or
4. Responded to an event where a responder, co-worker of a responder, or family member of a responder sustained a serious bodily injury or died.

Includes that this section applies to a firefighter who is diagnosed with post-traumatic stress disorder within one year of the firefighter's final date of employment with the employer fire department.

Requires the Tennessee department of labor and workforce development to administer a grant program to mitigate the cost of this benefit. Includes the criteria that must be met for a fire department to qualify for a grant.

Effective May 17, 2023, for purposes of promulgating rules and January 1, 2024, for all other purposes.

Chapter No. 475 (HB0976/SB0856). Farmers market food unit permit created. Amends T.C.A. § 68-14-703 by requiring the Tennessee department of health to issue a farmers market food unit permit to a stationary food service establishment that:

1. Prepares, sells, or services unpackaged time/temperature control for safety of food in conjunction with one or more farmers markets; and
2. Has improvised, rather than permanent, facilities or equipment for accomplishing functions, such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control.

Includes that a permit is not required if the vendor is offering samples for consumption on the premises of the farmers market, if certain conditions are met.

Prohibits a municipal legislative body or local health department, by ordinance or otherwise, from imposing a regulation or requirement for the permitting and operation of a farmers market food unit that is more stringent than the requirements of this part.

Effective May 17, 2023, for purposes of promulgating rules and January 1, 2024, for all other purposes.

Chapter No. 479 (HB1346/SB1147). Agenda 21 prohibiting from being adopted to impede private property rights. Amends Tennessee Code Annotated, Title 4, Chapter 1, Part 4, by prohibiting a municipality from adopting or implementing policy recommendations that deliberately or inadvertently infringe or restrict private property rights without due process, as may be required by policy recommendations originating in, or traceable to, the United Nations or a subsidiary entity of the United Nations, including, but not limited to:

1. "Agenda 21," adopted by the United Nations in 1992 at its Conference on Environment and Development;
2. The 2030 Agenda for Sustainable Development, introduced at a United Nations Summit in 2015;
3. The United Nations' proposal to reach net zero emissions by 2050; or
4. Another international law or ancillary plan of action that contravenes the constitution of the United States or the constitution of this state.

Provides that since numerous nongovernmental and intergovernmental organizations assist in the implementation of policies relative to Agenda 21, The 2030 Agenda for Sustainable Development, net zero goals for 2050, and its related plans and initiatives, this state and its political subdivisions are prohibited from entering into an agreement, expending any sum of money, or providing financial aid to those non-governmental and intergovernmental organizations as described in or promoted by such plans and initiatives.

Effective May 17, 2023.

Chapter No. 486 (HB0239/SB1440). "Sex" for purposes of the Tennessee Code defined. Amends T.C.A. § 1-3-105 by adding that as used in the Tennessee code, unless the context otherwise requires, "sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. Also adds that "evidence of a person's biological sex" includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate.

Effective July 1, 2023.

Labor

Chapter No. 68 (HB1212/SB1410). Child Labor Act of 1976 amended. Amends T.C.A. § 50-5-106 by expanding the "Child Labor Act of 1976" to allow a minor 15 years old or younger to be employed in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages do not exceed twenty-five percent (25%) of the total gross receipts of the place of employment or where the minor will not be permitted to take orders for or serve intoxicating beverages, regardless of the amount of intoxicating beverages sold in the place of employment.

Also allows minors 16 or 17 years old to be employed in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed twenty-five percent (25%) of the

total gross receipts of the place of employment, if the minor is not permitted to take orders for or serve intoxicating beverages.

Effective March 23, 2023.

Chapter No. 309 (HB0774/SB0681). “Protecting Tennessee Businesses and Workers Act” adopted.

Amends T.C.A. § 7-51-1802 by enacting the “Protecting Tennessee Businesses and Workers Act,” which adds that except as provided by state and federal law, a municipality must not adopt or enforce an ordinance, regulation, resolution, policy, or another legal requirement that regulates or imposes a requirement upon an employer pertaining to hours worked, scheduling that an employer is required to provide employees, or employee output during work hours.

Allows a municipality to set and regulate such hours, scheduling, and output for its own employees and for the provision of services, including, but not limited to, those regulated under the supplementary powers given to local governments in the Tennessee Constitution.

Also amends T.C.A. § 50-2-112(a)(1) by providing that all additional wage or “employment benefit” mandates imposed on private employers by a municipality are preempted.

Includes that a municipality, through its purchasing or contracting procedures, must not seek to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the local government. Also provides that a municipality must not, through the use of evaluation factors, qualifications of bidders, or otherwise award preferences on the basis of wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the municipality.

Effective April 28, 2023.

Law Enforcement

Chapter No. 87 (HB1456/SB0315). Municipalities authorized to enter into contracts for law enforcement officers to serve as school resource officers at private schools.

Amends Tennessee Code Annotated, Title 49, Chapter 6, Part 42, by providing that notwithstanding any other law to the contrary, a municipality may enter into a contract or memorandum of understanding with a private school authorizing the municipality’s law enforcement agency to provide school resource officers to the private school. Requires the school resource officers assigned to a private school to comply with the employment standards for school resource officers outlined in § 49-6-4217. Includes that the contract or memorandum of understanding may stipulate:

1. The duties and responsibilities of the parties;
2. The burden of liability that arises from negligence or gross negligence by any party. A municipality may waive sovereign immunity for one (1) or more law enforcement officers for purposes of executing a contract or memorandum of understanding under this section;
3. The length of the contract or memorandum of understanding;
4. Salary, benefits, and schedule; and

5. Any other provisions that the parties to the contract or memorandum of understanding deem necessary to effectuate the contract or memorandum of understanding.

Effective March 31, 2023.

Chapter No. 138 (HB0522/SB0449). Municipal law enforcement officers authorized to use local law enforcement agency vehicles and equipment when working protection detail. Amends Tennessee Code Annotated, Title 4, Chapter 7, Part 1, by adding that if the commissioner of safety or the governor has assigned protection detail for purposes of protecting or escorting a person when required for security, threat, assessments, or safety precautions for the protectee or general welfare of the public, then officers of municipal law enforcement agencies may use their municipal law enforcement agency's vehicles and emergency equipment for purposes of assisting the Tennessee Highway Patrol in carrying out its duties under the assigned protection detail.

Provides that operators of emergency vehicles utilized in a protection detail:

1. Must be adequately trained in accordance with § 55-8-194; and
2. May operate such vehicles exercising the privileges in § 55-8-108.

Effective April 6, 2023.

Chapter No. 212 (HB0415/SB0022). "Sexual Assault Response Team Act" passed. Amends Tennessee Code Annotated, Title 38, Chapter 1, by enacting the "Sexual Assault Response Team Act" which provides that by January 1, 2024, each municipal law enforcement agency must begin collaborating with law enforcement agency resources and available community resources as an adult sexual assault response team (SART), to begin identifying gaps in service and improving response systems for adult sexual assault victims that are assaulted within the agency's jurisdiction. Authorizes the team to meet in person, by telephone or virtually, as needed. Includes a list of experts who may serve on a SART. Makes the records from a SART meeting confidential, except in certain circumstances.

Effective April 25, 2023.

Chapter No. 223 (HB1070/SB0776). Law enforcement prohibited from purchasing or acquiring drones from certain manufacturers. Amends Tennessee Code Annotated, Title 12, Chapter 4, Part 1, by prohibiting a municipality or police department from purchasing or acquiring a drone, as defined in the federal National Defense Authorization Act of 2019 (Pub. L. No. 115-232), produced by a manufacturer banned under Section 889 of the National Defense Authorization Act of 2019, as amended. Makes a contract or agreement for the purchase or acquisition of a drone in violation of this section void and unenforceable.

<https://www.defense.gov/News/Releases/Release/Article/3180636/dod-releases-list-of-peoples-republic-of-china-prc-military-companies-in-accord/>

Effective July 1, 2023.

Chapter No. 326 (HB1492/SB1019). Requirements added for law enforcement's use of drones. Amends Tennessee Code Annotated, Title 38, Chapter 8, Part 1, by adding that by January 1, 2024, each law enforcement agency shall develop and enforce a policy that prohibits an officer from using a drone or

other substantially similar device as a weapon under any circumstances while in the exercise of the officer's official duties.

Includes that a law enforcement agency shall permit an officer qualified to operate a drone to utilize a drone or a substantially similar device for the purpose of remotely detonating a bomb or similar incendiary or explosive device.

Effective April 28, 2023.

Motor Vehicles and Traffic

Chapter No. 117 (HB0713/SB0366). Emergency communication dispatchers authorized to receive an emergency license plate. Amends T.C.A. § 55-4-203 by adding emergency communication dispatchers to the list of individuals who may receive an emergency license plate.

Also amends T.C.A. § 55-4-223 by requiring that the owner or lessee of a motor vehicle who is a resident of the state and an emergency communication dispatcher, who submits a statement or certification from the municipality or emergency communication district to which the dispatcher is attached or by which the dispatcher is employed, confirming that the applicant is a dispatcher, be issued, or be allowed to renew, an emergency registration plate under certain enumerated circumstances.

Defines “emergency communication dispatcher” as an “emergency call taker or public safety dispatcher who receives an initial or transferred 911 call from the public in this state.”

Effective July 1, 2023.

Chapter No. 119 (HB0410/SB0505). Municipality authorized to establish a special speed limit. Amends T.C.A. § 55-8-152(d)(1) by authorizing a municipality to adopt an ordinance by majority vote of the municipal governing body establishing a special speed limit on a public road, street, or highway within its jurisdiction that is adjacent to or within ¼ mile of a zone classified by the municipality for residential use. Makes a violation of the special speed limit established a Class C misdemeanor, punishable by fine only of \$200.

Effective July 1, 2023.

Chapter No. 159 (HB0321/SB0273). “Transportation Modernization Act of 2023” adopted. Enacts the “Transportation Modernization Act of 2023.” Provides that in Tennessee Code Annotated, Title 54, Chapter 2, the “Transportation Modernization Fund” is established and effective July 1, 2023, and a sum of three hundred million dollars (\$300,000,000), is to be distributed to local governments as grants, as determined by the commissioner. Prohibits a local government from using the grants distributed to supplant other state or local moneys appropriated or allotted for building, maintaining, or improving county roads or bridges.

Also amends T.C.A. § 55-4-116 by requiring that the additional registration fee for all-electric vehicles and hybrid electric and plug-in hybrid electric vehicles is to be apportioned such that municipalities receive 11.8% of the proceeds on the basis set out in § 54-4-203.

Also amends T.C.A. § 54-3-104 by authorizing the department of transportation (“department”) to designate certain lanes of a highway, or portion of a highway, as a “user fee facility.” Requires the fees

established by the commissioner of the department for use of the user fee facility be paid by vehicle operators driving through the user fee facility. Excludes law enforcement or other authorized emergency vehicles from this requirement, regardless of whether the operator is responding to an emergency or displaying flashing lights.

Includes that any user of a user fee facility who does not pay the user fee within 90 days of being notified of failure to pay, or a person who operates a prohibited vehicle on a user fee facility, commits a Class C misdemeanor and is subject to a fine of not more than \$50.

Effective April 17, 2023.

Chapter No. 193 (HB0445/SB0439). Requirements for local law enforcement to install surveillance cameras on federal interstate highways and state roads expanded. Amends T.C.A. § 55-8-198(f) by requiring a local law enforcement agency to seek approval from and make certain demonstrations to the department of transportation before surveillance cameras can be installed on federal interstate highways or state roads by local law enforcement for the purpose of aiding in criminal investigations or searches for missing or endangered persons. Allows the department to inspect the cameras before or at any time after the department approves the installation of the cameras. Also allows the department to revoke the approval and require the removal of the cameras at any time, if the operation of the cameras or use of the data from the cameras is determined to violate the demonstrations required for installation.

Effective July 1, 2023.

Chapter No. 354 (HB0092/SB0201). The “Jabari Bailey Highway Safety Act” enacted. Amends T.C.A. § 55-8-132(c) by enacting the “Jabari Bailey Highway Safety Act,” which requires that upon approaching a stationary vehicle that is giving a signal by use of flashing hazard lights, a person who drives an approaching vehicle must:

1. Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle if possible, with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or
2. Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

Increases the fine for violation of this provision.

Effective July 1, 2023.

Personnel-Benefits

Chapter No. 132 (HB0884/SB0990). Provisions related to how municipalities pay for a benefit improvement through TCRS amended. Amends T.C.A. § 8-35-206(i) by requiring a municipal employer participating in TCRS that desires to establish through a resolution, a benefit improvement authorized under chapters 34-37 of title 8 of the Tennessee Code, to pay the estimated increased pension liability

created by the improvement. Prohibits an employer from establishing a benefit improvement unless the employer's funded status in the retirement system will be 70% or more after implementation of the benefit improvement.

Includes that in accordance with § 8-37-505, the failure to pay the liability may result in the withholding of the liability amount, in whole or in part, from any state-shared taxes that are otherwise apportioned to the local government.

Sets out the expanded methods by which the estimated increased pension liability can be paid.

Effective July 1, 2023.

Chapter No. 387 (HB0706/SB0606). Changes to TCRS requirements related to reemployment after retirement. Amends Tennessee Code Annotated, Title 8, Chapter 36, Part 8, by adding that within a one-year period, a retiree who is reemployed in a position covered by TCRS pursuant to this part must not:

1. Switch from one (1) reemployment provision under this part to another; or
2. Simultaneously be reemployed under more than one (1) reemployment provision.

Also amends T.C.A. § 8-36-809 by authorizing a retired member of TCRS, or a suspended system, or a local retirement fund, to be reemployed in a position covered by the retirement system as a law enforcement officer without the loss or suspension of the retired member's TCRS benefits, provided certain conditions are met. Requires the retired member's new employer, upon reemployment, to notify the retirement system of the reemployment and certify in writing that the retired member has the requisite experience and training for the position and no other qualified person is available to fill the position.

Effective July 1, 2023.

Planning and Zoning

Chapter No. 175 (HB1277/SB1132). Authority to remove a historic planning commission member or fill a vacancy deleted. Amends T.C.A. § 13-7-403 by deleting subsection (a)(2) which required a vacancy to be filled for the unexpired term by the chief executive of the county or municipality, subject to confirmation by the local legislative body. Also deletes subsection (a)(3) which allowed the chief executive of a county or municipality with a historic zoning commission to remove an appointed member, subject to confirmation by the local legislative body.

Effective April 17, 2023.

Chapter No. 453 (HB0170/SB0559). Pending ordinance doctrine rejected. Amends Tennessee Code Annotated, Title 29, by adding the following:

The general assembly declares that property owners should expect that the merits of a permit application will be judged on the law in effect at the time of application. The interests of property owners to use their property as they see fit and free from the threat

of interference from potential local regulation outweighs the need of a local government entity to work out the details of a potential zoning change free from possible violations. To this end, the general assembly rejects the pending ordinance doctrine, described by the Tennessee supreme court in its May 14, 2007, opinion in the case of *Harding Academy v. Metropolitan Government of Nashville and Davidson County*, and declares the doctrine to be contrary to the public policy interests of property owners in this state.

Effective July 1, 2023.

Purchasing

Chapter No. 54 (HB0336/SB0423). Threshold for competitive sealed bids and city manager purchases increased. Amends T.C.A. § 6-19-104 by increasing the threshold for public advertisement and competitive sealed bids in the general law city manager-commission charter to over \$25,000, for purposes of being consistent with T.C.A. § 12-3-1212.

Also allows the board of commissioners to delegate to the city manager the authority to enter into contracts on behalf of the city, without specific board approval, when the contracts are for less than \$25,000.

Effective March 21, 2023.

Chapter No. 276 (HB0921/SB0975). Electric plant superintendent authorized to make purchases up to \$100,000 without supervisory board approval. Amends T.C.A. § 7-52-117 by authorizing the superintendent of an electric plant formed under the Municipal Electric Plant Law of 1935 to obligate the electric plant on purchase orders up to \$100,000, without board approval. Requires the supervisory board to approve an amount in which the superintendent can obligate the electric plant without board approval, prior to such purchases being made.

Also amends Tennessee Code Annotated, Title 12, Chapter 3, Part 12 by authorizing a local government to make purchases under contracts or price agreements entered into by the state building commission without adhering to public advertisement and competitive solicitation requirements.

Effective April 28, 2023.

Records

Chapter No. 157 (HB0734/SB0086). Time frame for access to public records not impacted by requestor's profession. Amends T.C.A. § 10-7-503(a)(7)(A) by adding that a requestor is not entitled to special or more expeditious access to public records under the Tennessee Public Records Act due to the requestor's occupation or association with a specific profession.

Effective April 17, 2023.

Taxes-Sales

Chapter No. 377 (HB0323/SB0275). Food and grocery sales tax holiday adopted. Amends T.C.A. § 67-6-393(j) by adding that the retail sale of food and food ingredients is exempt from sales tax between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023.

Also amends T.C.A. § 67-6-103 by adding that there must be allocated and distributed to municipalities an amount substantially equal to the amount that would have been allocated to the municipalities but for the temporary exemption from sales tax applicable to the retail sale of food and food ingredients between 12:01 a.m. on August 1, 2023, and 11 :59 p.m. on October 31, 2023. Includes that the allocation provided for in this provision must be based on the reporting of exempt sales of food and food ingredients during the exemption period and any other data or information the commissioner deems relevant.

Also amends T.C.A. § 67-4-712(d)(2) by increasing the threshold upon which the municipal business tax applies to receipts of sales of \$100,000 or more.

Effective May 11, 2023.

Chapter No. 405 (HB1085/SB0891). Time frame of state tax revenue apportionment and distribution in Memphis related to the Memphis Grizzlies extended. Amends T.C.A. § 67-6-103(d)(1)(B) by extending the state tax apportionment and distribution to Memphis related to the Memphis Grizzlies until June 30, 2059.

Adds that the state tax apportionment and distribution to Memphis related to the Memphis Grizzlies must be in an amount equal to the amount of state tax revenue derived from the sale of admissions to all other events occurring at the indoor sports facility and from all other sales of food and drink and other authorized goods or products sold on the premises of the sports facility, parking charges, and related services.

Requires the amounts distributed to be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality, for the payment of, or the reimbursement of, expenses associated with securing current, expanded, or new events for indoor sports facilities owned by a municipal agency formally designated by the municipality, in accordance with title 7, chapter 67.

Effective July 1, 2023.

Chapter No. 449 (HB0125/SB0469). Retail of certain trailers exempt from sales tax. Amends T.C.A. § 67-6-343 by adding that the retail sale of trailers, as defined in "§ 55-1- 105(e), that are removed for registration and use in another state within three calendar days of purchase, are exempt from sales tax."

"Trailer" is defined as every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Effective July 1, 2023.

Chapter No. 480 (HB1426/SB1154). Sales tax exemption on certain amusement activities removed in 2027. Amends T.C.A. § 67-6-330(a)(5) by removing the exemption from sales tax on the sales price of admissions to amusement or recreational activities conducted, produced, or provided by:

1. Not-for-profit museums, not-for-profit entities that operate historical sites and not-for-profit historical societies, organizations or associations;
2. Organizations that have received and currently hold a determination of exemption from the internal revenue service;
3. Organizations listed in Major Group No. 86 of the Standard Industrial Classification Manual of 1972, as amended, prepared by the office of management and budget of the federal government; or
4. Tennessee historic property preservation or rehabilitation entities

on or after January 1, 2027, when the activities are conducted, produced, or provided at a facility owned by a sports authority organized pursuant to title 7, chapter 67, during a period in which the facility is eligible to receive a distribution of state sales tax revenue.

Effective July 1, 2023.

Utilities

Chapter No. 154 (HB0946/SB1389). Certain types of clean and renewable energies authorized to be used by public utilities. Amends Tennessee Code Annotated, Title 7, Chapter 51, by adding that when a municipality through an ordinance, resolution or other regulation imposes requirements or expectations related to the source of clean energy used by a public utility, the municipality must include in the regulation, the following as permissible sources:

1. solar energy; 2. photovoltaic cells and panels; 3. hydropower; 4. wind power; 5. hydrogen fuel; 6. nuclear power; 7. natural gas; 8. fuel cells; 9. energy from waste-to-energy facilities; 10. energy storage systems or technologies; 11. geothermal energy; 12. dedicated crops grown for energy production; 13. industrial byproduct technologies that use fuel or energy that is a byproduct of an industrial process; 14. waste heat recovery from capturing and reusing the waste heat in an industrial process for heating or generating mechanical or electric work; 15. combined heat and power systems; 16. pumped storage hydropower; and 17. compressed air energy storage.

Also adds that when a municipality through an ordinance, resolution or other regulation imposes requirements or expectations related to the source of renewable energy used by a public utility, the municipality must include in the regulation, the following as permissible sources:

1. solar energy; 2. photovoltaic cells and panels; 3. hydropower; 4. wind power; 5. hydrogen fuel; 6. geothermal energy; 7. biomass, including agricultural crops, wastes, or residues, wood or wood waste, animal waste or other animal byproducts, algae, or solid waste; and 8. renewable natural gas, as defined in § 65-5-114.

Provides that an ordinance, resolution or other regulation in violation of this section is against public policy and void.

Effective July 1, 2023.

Chapter No. 367 (HB0483/SB0376). Municipality prohibited from adopting a policy that impacts certain activities based on the type or source of energy delivered or used. Amends T.C.A. § 7-51-2102(a) by prohibiting a municipality from adopting a policy that prohibits, or has the effect of prohibiting, based upon the type or source of energy to be delivered to or used by an individual customer:

1. The connection or reconnection of a utility service; or
2. The sale or installation of an appliance utilized for cooking, space heating, water heating, or another end use.

Effective March 14, 2023.

Chapter No. 463 (HB0947/SB0845). Tennessee Board of Utility Regulation created. Amends Tennessee Code Annotated, Title 7, Chapter 82, Part 7, by creating the Tennessee board of utility regulation that replaces the water and wastewater financing board and the utility management review board. Includes the composition of the board and the powers and authority of the board.

Also creates the utility revitalization fund that will provide grants to utility systems that have merged or consolidated to mitigate the financial impact of the merger or consolidation.

Also adds that the Tennessee board of utility regulation must develop a program for members of the governing bodies of utility systems under the board's jurisdiction to educate the board members about the open meetings laws and how to remain in compliance with such laws.

Effective July 1, 2023.

Workers' Compensation

Chapter No. 145 (HB0082/SB0263). Various changes made to the workers' compensation provisions.

Amends several provisions relative to workers' compensation including T.C.A. § 50-6-236(b)(4) which allows either the mediator or with both parties' agreement, the legal representative for one of the parties to a workers' compensation mediation, to reduce the settlement agreement to writing once the parties reach a "full and final" settlement and permits either the parties or the legal representatives to sign the agreement.

Sections 10 and 11 effective April 13, 2023, and effective April 13, 2023, for rule making purposes. Effective July 1, 2023, for all other purposes.

Chapter No. 158 (HB0396/SB0097). "Garrison-Jordan Survivor Benefits Act" adopted. Amends T.C.A. § 50-6-210 by providing that when a surviving spouse remarries and there is no child of the deceased

employee, the periodic compensation benefits to the surviving spouse ceases, but the surviving spouse is entitled to a lump sum payment equal to 100 weeks based on 25% of the average weekly wages of the deceased employee, subject to the maximum total benefit.

Also provides that if a dependent is attending a recognized educational institution or completing secondary education or a program leading to an equivalent credential, or enrolled in a recognized institution that provides postsecondary or career or technical education, then benefits shall be paid until 22 years of age.

Also, includes that if a dependent, as established by order, judgment, or decree, is determined to be entitled to dependent benefits, then the employer or insurer may periodically require the dependent to provide information relevant to whether the dependent continues to qualify for benefits. Requires the dependent, after receiving the request for information, to provide the requested information relevant to dependency within 15 days of the date of the request. Allows the benefits to be suspended until the requested information is provided, if it is not provided within 15 days of receipt of the request for information. Also allows the benefits to be terminated if the dependent is no longer eligible to receive the benefits. Requires a notice of termination to be provided by the employer or insurer to the department of commerce and insurance within 15 days of the first scheduled payment being terminated.

Effective July 1, 2023.