



Department of
**Mental Health &
Substance Abuse Services**
2017 LEGISLATIVE SUMMARY

To view a Public Chapter from this list, click [here](#).
To view a bill from this list, click [here](#).

MENTAL HEALTH RELATED LEGISLATION

SB1206 / HB317 Mandatory evaluation and outpatient treatment following a judgment of not guilty by reason of insanity.

Category Mental Health

Description Requires a person found not guilty by reason of insanity, of a charge of first degree murder or a Class A felony under title 39, chapter 13, to only be discharged from inpatient hospitalization if ordered by the court to participate in outpatient treatment. Mandates that any person ordered by the trial court to participate in outpatient treatment must do so for an initial period of six months. Allows the court to order the continuation of outpatient treatment beyond the sixth month period and specifies factors court must consider when making that determination. **Part of Administration Package** (TDMHSAS Legislation).

Public Chapter PC 342

SB72 / HB250 Extend Sunset for TDMHSAS

Category Government Organization

Description Extends the department of mental health and substance abuse services to June 30, 2021.

Public Chapter PC 51

SB96 / HB249 Extend Sunset for Statewide Policy and Planning Council for TDMHSAS

Category Government Organization

Description Extends the statewide planning and policy council for the department of mental health and substance abuse services to June 30, 2021.

Public Chapter PC 68

SB837 / HB480 Report on coverage for mental health treatment.

Category TennCare

Description Requires managed care organizations participating in the TennCare program to annually report to the bureau of TennCare certain information regarding treatment of claims for mental health and alcoholism or drug dependence benefits in relation to the requirements of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Public Chapter PC 221

SB489 / HB948 Kenneth and Madge Tullis, MD, Suicide Prevention Training Act.

Category Professions & Licensure

Description Enacts the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act" by requiring the department of mental health and substance abuse services to work with the Tennessee Suicide Prevention Network to develop a model list of training programs by December 15, 2017. Starting January 1, 2020, social workers, marriage and family therapists, professional counselors, pastoral counselors, alcohol and drug counselors, and occupational therapists must complete an approved training program every five years.

Public Chapter PC 396

SB597 / HB968 Disabled adults may have personal aides to perform health maintenance tasks.

Category Health Care

Description Allows disabled adults to have paid personal aides to perform health maintenance tasks and requires a licensed health care provider to determine if a task can be provided by a paid personal aide. TDMHSAS is on the list of agencies to be consulted with for the promulgation of rules regarding this legislation.

Public Chapter PC 349

SB341 / HB720 Referrals to private counselors by school counselors.

Category Education

Description Allows school counselors to refer or help parents find outside counselors for additional mental health assessment or services. If such a referral happens, neither the school system nor LEA is responsible for the cost of the outside counselor.

Public Chapter PC 18

SB893 / HB1149 Reconsidering suicide as cause of death on death certificates

Category Health Care

Description Encourages county medical examiners to consult the decedent's treating mental health professional prior to determination of manner of death if there exists a suspicion that suicide may be a potential manner of death. Allows for the decedent's next of kin to seek reconsideration of the manner of death listed on the death certificate.

Public Chapter PC 493

HJR100 Participation in Yellow Dot Program - individuals with mental health conditions.

Category Transportation Vehicles

Description Urges individuals with mental health conditions to participate in the Tennessee Yellow DOT program.

Executive Status 4/28/2017 – Signed by Governor Haslam

SUBSTANCE ABUSE/CONTROLLED SUBSTANCES RELATED LEGISLATION

SB806 / HB770 Syringe and Needle Exchange Act

Category Health Care

Description Authorizes the establishment of syringe and needle exchanges by nongovernmental organizations if the nongovernmental organization is approved by the department of health and meets certain conditions.

Public Chapter PC 413

SB709 / HB746 Treatment guidelines for the nonresidential use of buprenorphine.

Category Health Care

Description Requires the commissioners of mental health and substance abuse services and health to develop guidelines on nonresidential buprenorphine treatment by January 1, 2018, and to annually update those guidelines.

Public Chapter PC 112

SB1041 / HB1207 Requirements for high volume opioid prescribers.

Category Health Care

Description Enacts requirements regarding neonatal abstinence syndrome and high-risk prescribers.

Public Chapter PC 483

SB669 / HB1209 Immunity from arrest for persons who overdose on drugs but seek medical assistance.

Category Health Care

Description Requires any person treated for a drug-related overdose with an opioid antagonist by a first responder to be taken to a medical facility by emergency medical services for evaluation, unless the person is competent to refuse medical treatment and chooses to refuse medical treatment.

Public Chapter PC 484

SB458 / HB448 Schools to maintain an opioid antagonist in secure, unlocked location.

Category Education

Description Requires the state board of education, in consultation with the department of health, to develop guidelines for the management of students presenting with a drug overdose for which administration of an opioid antagonist may be appropriate. Requires each local education agency (LEA) to implement a plan based on the guidelines developed by the state board of education. Authorizes each school within an LEA and each nonpublic school to maintain an opioid antagonist at the school in at least two unlocked, secure locations, including, but not limited to, the school office and the school cafeteria so that an opioid antagonist may be administered to any student believed to be having a drug overdose.

Public Chapter PC 256

SB1309 / HB1067 Drug testing for healthcare practitioners

Category Professions & Licensure

Description Establishes that a healthcare practitioner violates the practitioner's practice act by refusing to submit to a drug test or testing positive for a drug when the practitioner does not have a lawful prescription for using the drug or a valid medical reason for using the drug. Establishes procedural requirements to be followed in such situations.

Public Chapter PC 481

SB385 / HB694 Exclusion to marijuana.

Category Criminal Law

Description Excludes from the definition of marijuana a cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.

Public Chapter PC 120

SB398 / HB628 Pharmacist-provided medication therapy management.

Category TennCare

Description Requires TennCare to develop and implement a medication therapy management pilot program that seeks to provide high quality, cost-effective services in support of initiatives administered by TennCare to ensure optimal health outcomes for its beneficiaries. The medication therapy management pilot program will sunset on June 30, 2020.

Public Chapter PC 363

SB429 / HB137 Establishes a prescription drug donation repository program.

Category Health Care

Description Allows the department of health, in cooperation with the board of pharmacy, to promulgate rules to establish and enforce a prescription drug donation repository program under which a person or organization may donate prescription drugs and supplies for use by an organization that meets eligibility certain criteria specified by the board by rule. Allows the board to contract with a third party to implement and administer the program.

Public Chapter PC 392

SB894 / HB173 Preemption of certain drug-related criminal offenses.

Category Criminal Law

Description Specifies that state law preempts local government ordinances and resolutions with respect to the regulation of and appropriate sanctions for conduct involving drugs and other substances.

Public Chapter PC 124

SB823 / HB736 Criminal defendant's participation in recovery court as a hardship.

Category Criminal Law

Description Permits a judge to consider a criminal defendant's participation in recovery court as a hardship sufficient to order the stay of a criminal defendant's driver license revocation for failing to pay fines, court costs, and litigation taxes.

Public Chapter PC 149

SB134 / HB39 Tests to determine alcoholic or drug content of a person's blood

Category Transportation Vehicles

Description Requires a law enforcement officer to obtain a search warrant or have a drivers' signed consent to a "Waiver of Warrant" before administering a blood test for the purpose of determining the alcohol or drug content levels. Sets specific guidelines for courts to follow for persons who knowingly refuse to the submission of a blood or breath test, as outlined above.

Public Chapter PC 304

SB116 / HB9 Allows colleges to adopt policies prohibiting smoking on campus

Category Education

Description Allows the administrative head of each public institution of higher education to adopt policies prohibiting smoking on campuses.

Public Chapter PC 161

SB384 / HB397 Vertical driver license for individuals under 21

Category Transportation Vehicles

Description Requires that driver licenses be printed in vertical or portrait format for persons under 21 years of age. Authorizes licensees to replace vertical format license with horizontal one upon reaching 21 years of age for the cost of a duplicate license.

Public Chapter PC 388

GENERAL HEALTH/HEALTH INSURANCE/HEALTH ADMINISTRATION RELATED LEGISLATION

SB298 / HB413 Adverse actions against physicians.

Category Professions & Licensure

Description Prohibits the board of osteopathic examination and the board of medical examiners from taking certain licensure action against a physician based solely on the physician's decision not to participate in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. Creates a task force to study the issues created by maintenance of certification process for Tennessee physicians.

Executive Status PC 438

SB437 / HB498 Changes in provider's fee schedule.

Category Health Insurance

Description Changes various provisions concerning when a health insurance entity can make or is required to notify a provider of changes in the provider's fee schedule.

Public Chapter PC 88

SB214 / HB647 Annual Coverage Assessment Act of 2017.

Category Welfare

Description Enacts the Annual Coverage Assessment Act of 2017, which establishes an annual coverage assessment on hospitals of 4.52 percent of a covered hospital's annual coverage assessment base and is required to be paid in equal quarterly installments.

Public Chapter PC 364

SB523 / HB756 Redefining relationship between advanced practice RNs and Physicians regarding controlled substances.

Category Professions & Licensure

Description Establishes requirements for advanced practice registered nurses and physician assistants to prescribe under a collaborating physician or a physician supervisor.

Public Chapter PC 334

STATE GOVERNMENT RELATED LEGISLATION

SB483 / HB511 Appropriations - FY 2016 and FY 2017.

Category Public Finance

Description Makes appropriations for the purpose of defraying the expenses of the state government for the fiscal years beginning July 1, 2016, and July 1, 2017.

Public Chapter PC 460

SB484 / HB512 Implementation Bill

Category Public Finance

Description Makes various statutory revisions for the implementation of the appropriations act (SB483 / HB511/PC 460).

Public Chapter PC 461

SB485 / HB513 Bond issuance

Category Public Finance

Description Authorizes the state to issue and sell direct obligation bonds of up to \$80 million.

Public Chapter PC 462

SB486 / HB514 Index of appropriations.

Category Public Finance

Description Authorizes state spending to exceed growth in revenues by \$438 million or 2.85 percent.

Public Chapter PC 463

SB1079 / HB1381 Detectable nosing on edge of steps of public buildings.

Category Health Care

Description Requires all stair steps leading into a public entrance of a public building constructed, purchased, or approved for renovations by the State Building Commission, or constructed by a political division of the state, on or after July 1, 2017, to be marked with a detectable nosing of a contrasting color at a thickness of not less than one inch and not more than two inches. Authorizes public entities exercising control over a public building of historical significance to apply for a waiver from the State Building Commission in order to apply such nosing.

Public Chapter PC 491

SB547 / HB545 Release of personal information.

Category Commercial Law

Description Requires information holders, following discovery or notification of a breach of system security, which entails encrypted and unencrypted data, to disclose the breach of system security to any resident of Tennessee whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

Public Chapter PC 91

SB464 / HB58 Open records requests communication methods

Category Media & Publishing

Description Revises certain provisions governing open records requests, including the manner in which such requests may be made.

Executive Status PC 233

SB463 / HB436 Time frame for submission of corrective action plan after audit from comptroller.

Category Public Employees

Description Requires the officer who is the administrative head of any department, agency, or institution of the state, to submit a corrective action plan to the comptroller of the treasury within thirty days of the issuance of the audit report. The comptroller of the treasury shall at any time notify the chairs of the finance ways and means, government operations, and fiscal review committees of the general assembly of any department, agency, or institution's failure to timely implement such recommendations, to submit the audit report required by subsection (c) of the bill, or to comply with its corrective action plan. Those committees may direct the department, agency, or institution to provide a written statement to the requesting committee explaining why full corrective action has not been taken. If a requesting committee determines that the written statement is not sufficient, that committee may require the department, agency, or institution to appear before the committee

Public Chapter PC 20

SB449 / HB566 Guides to practice for administrative agencies.

Category Government Regulation

Description Requires state government entities that establish or adopt guides to practice do so through the promulgation of rules.

Public Chapter PC 215

SB53 / HB261 UAPA - continues permanent rules filed with the secretary of state.

Category Government Regulation

Description Continues permanent rules filed with the secretary of state after January 1, 2016 (includes TDMHSAS Rules re: Personal Support Services Agencies and Controlled Substances). Schedules auctioneer commission rule defining "timed listings" for purposes of online auctions to expire on the effective date of the act.

Public Chapter PC 452

SB141 / HB84 Departments of the state receiving federal funds

Category Government Regulation

Description Requires any department of state government receiving federal financial assistance to notify the comptroller of the treasury and the commissioner of finance and administration within five business days of receipt of a noncompliance notice that could result in: repayment of federal financial assistance, reduction in future federal financial assistance, withholding of advance payments otherwise due to the department, temporary withholding of federal financial assistance pending corrective action by the department, whole or partial suspension or termination of a federal award, and any other legal remedies available to a federal awarding agency.

Public Chapter PC 79

SB1201 / HB313 The protection of confidential information of vendors.

Category Retail Trade

Description Makes the identities of vendors providing the state with goods and services used to protect certain electronic, communication, and data storage systems confidential. Authorizes a governmental entity receiving such goods and services to vote to make the identities of the vendors confidential. **Part of Administration Package.**

Public Chapter PC 114

SB1209 / HB313 Background checks for employees with access to federal tax information.

Category Public Employees

Description Authorizes state departments to obtain state & national criminal background checks and investigations on all employees or contractors with access to federal tax information. Requires departments required to conduct those background checks and investigations to establish written policies related to employee background checks. Authorizes department chiefs to designate who meets the requirement for criminal background checks. **Part of Administration Package.**

Public Chapter PC 343

SB1217 / HB326 UAPA – review of rules that may constitute unreasonable restraints of trade.

Category Government Regulation

Description Authorizes commissioners and chief executive officers of administrative departments to evaluate certain actions by a regulatory board to determine whether the action may constitute a potentially unreasonable restraint of trade. **Part of Administration Package.**

Public Chapter PC 230

SB 842 / HB 516 Removes addresses from the definition of personally identifying information.

Category Media & Publishing

Description Removes addresses from the definition of personally identifying information in the general exception for records held by a governmental entity.

Public Chapter PC 113

SB1390 / HB975 Reporting on number of preferred service employees in the department affected by a reduction-in-force.

Category Media & Publishing

Description Requires state government agencies and departments to provide notice to legislators of proposed contracts that will outsource professional facilities management services within such legislator's districts; revises other reporting and other requirements relative to state government.

Public Chapter PC 469

MISCELLANEOUS

SB1221 / HB534 IMPROVE Act – 2017 Tax Cut

Category Taxes

Description Enacts the Improving Manufacturing, Public Roads and Opportunities for a Vibrant Economy (IMPROVE) Act or the 2017 Tax Cut Act. Makes various changes to taxes on fuel, food, etc. **Part of the Administration Package.**

Public Chapter PC 181

SB1229 / HB1147 Codification of the 2016 regular and extraordinary sessions.

Category Government Organization

Description Codifies the Acts of the 2016 regular and extraordinary sessions.

Public Chapter PC 30

SB1085 / HB1111 Undefined words in statute must be interpreted by ordinary meaning

Category Construction of Statutes

Description Establishes that undefined words be given their natural and ordinary meaning without any construction that would limit or change the meaning unless it's clearly meant to be divergent.

Public Chapter PC302

SB467 / HB560 Creates offenses for unauthorized disclosure of a law enforcement officer's information.

Category Criminal Law

Description Creates the misdemeanor offense of unauthorized release of a law enforcement officer's residential address to the public punishable by a Class B misdemeanor if the release is criminally negligent or a Class A misdemeanor if intentional.

Public Chapter PC 296

SB311 / HB402 Offenses for juveniles to be tried as adults.

Category Criminal Law

Description Amends language to include that a child who was sixteen years or more of age at the time of the alleged conduct, or the child was less than sixteen years of age, can be transferred to a criminal court of competent jurisdiction to be tried as an adult if the child was charged with the offense of: first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, or an attempt to commit any such offenses. The district attorney general may not seek, nor may any child receive, a sentence of death for the offense for which the child was transferred.

Public Chapter PC 382

SB442 / HB732 Open records - law enforcement body camera video.

Category Media & Publishing

Description Creates exceptions to open records requests for law enforcement video that depicts interactions with minors when taken within a school (K-12), the interior of a facility licensed under Title 33 or 68, or the interior of a private residence that is not being investigated as a crime scene.

Public Chapter PC 255

SB445 / HB508 Prevention of damages against firearm owners.

Category Criminal Law

Description Creates a private cause of action for a party that is adversely affected by a local ordinance, resolution, policy, rule, or other enactment on firearms that is preempted by state law; restricts certain actions by local government in regard to handgun carry permittees.

Public Chapter PC 467

SB1167 / HB539 Residents in counties opted out of state-wide safety codes can request inspections

Category Construction

Description Allows the owner of a building, structure, or premises located in a county or municipality that has opted out of statewide safety codes for one-family and two-family dwellings, to request that the state fire marshal inspect the building, structure, or premises to determine whether the building, structure, or premises meets statewide safety codes. Upon completion of the inspection, if the state fire marshal determines that the owner's building, structure, or premises meets the statewide codes, the state fire marshal must issue documentation to the owner evidencing such.

Public Chapter PC 281

SB1224 / HB1276 Businesses owned by person with disabilities

Category Economic Development

Description Adds "business owned by persons with disabilities" to the Tennessee Minority-owned, Women-owned and Small Business Procurement and Contracting Act.

Public Chapter PC 485

SB1230 / HB810 Elderly and Vulnerable Adult Protection Act

Category Criminal Law

Description Enacts the "Elderly and Vulnerable Adult Protection Act"

Public Chapter PC 466

SB1287 / HB415 Conviction for exploiting a vulnerable adult - notice requirements for clerk of court.

Category Criminal Law

Description Requires the executive director of the commission on aging and disability to establish within the commission a public guardian working group; requires background checks for persons who volunteer in a position that involves providing direct contact with or direct responsibility for a service recipient in facility or service licensed under the Mental Health, Alcohol and Drug Abuse Prevention and/or Treatment, Intellectual and Developmental Disabilities, and Personal Support Services Licensure Law; revises and adds other provisions regarding vulnerable persons.

Public Chapter PC 427

SR13 / HR20 Ratifies and approves Tennessee Rules of Civil Procedure.

Category Judiciary

Description Ratifies and approves the amendments and revisions to the Tennessee Rules of Civil Procedure, as promulgated and adopted by the Tennessee Supreme Court.

SR14 / HR21 Ratifies and approves Tennessee Rules of Evidence.

Category Judiciary

Description Ratifies and approves the amendments and revisions to the Tennessee Rules of Evidence, as promulgated and adopted by the Tennessee Supreme Court.

SR15 / HR18 Ratifies and approves Tennessee Rules of Juvenile Procedure.

Category Judiciary

Description Ratifies and approves the amendments and revisions to the Tennessee Rules of Juvenile Procedure, as promulgated and adopted by the Tennessee Supreme Court.

SR16 / HR19 Ratifies and approves Tennessee Rules of Appellate Procedure.

Category Judiciary

Description Ratifies and approves the amendments and revisions to the Tennessee Rules of Appellate Procedure, as promulgated and adopted by the Tennessee Supreme Court.

SR17 / HR17 Ratifies and approves Tennessee Rules of Criminal Procedure.

Category Judiciary

Description Ratifies and approves the amendments and revisions to the Tennessee Rules of Criminal Procedure, as promulgated and adopted by the Tennessee Supreme Court.

SB887 / HB862 Tennessee to Three Court Initiative

Category Family Law

Description Creates and establishes “Zero to Three” court programs throughout the state on January 1, 2018. Requires the department of children’s services (DCS), in consultation with the administrative office of the courts (AOC) and the council of juvenile and family court judges (CJFCJ), to determine the location of each program. Requires DCS, in consultation with the AOC, the CJFCJ, and the department of mental health and substance abuse services, to administer the “Zero to Three” court program. Requires DCS to submit an annual report to the Civil Justice Committee of the House of Representatives and the Judiciary Committee of the senate by February 1, 2019 and each following February 1, summarizing the results of the programs’ operation. Effective date beginning on January 1, 2018; ceasing to be effective on January 1, 2022.

Public Chapter PC 366
