

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

**January 9, 2017**

**Opinion No. 17-02**

**Scope of “Medical Services” in the Context of Carrying Handguns on Property of Public Institutions of Higher Education**

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**Question**

Is the practice of dentistry a “medical service” within the meaning of Tenn. Code Ann. § 39-17-1309(e)(11)(C)(v)(d)?

**Opinion**

Yes.

**ANALYSIS**

Tennessee Code Annotated § 39-17-1309(e)(11)(C)(v)(d) provides that “an employee who carries a handgun on property owned, operated, or controlled by a public institution of higher education at which the employee is employed is not . . . permitted to carry a handgun at” . . . a “hospital, or an office where medical or mental health services are the primary services provided.” In short, as applicable to the question posed, employees of public institutions of higher learning may not carry a handgun at a hospital or office on the employer’s property where “medical services” are the primary services provided. Thus, if dentistry is a “medical service,” employees are prohibited from carrying a handgun on the property of a public institution of higher learning in an office where dental services are the primary services provided.

Whether the practice of dentistry is a “medical service” is a question of statutory construction. In construing a statute, one must “ascertain and give effect to the legislative intent without unduly restricting or expanding a statute’s coverage beyond its intended scope.” *Shore v. Maple Lane Farms, LLC*, 411 S.W.3d 405, 420 (Tenn. 2013) (quoting *State v. Strode*, 232 S.W.3d 1, 9 (Tenn. 2007)). The statute’s words must be given their natural and ordinary meaning in light of their statutory context. *Id.* (citing *Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 526 (Tenn. 2010)). If the statutory language is clear and unambiguous, then the statute’s plain language must be applied in its normal and accepted use. *Id.* (citing *Shelby Cnty. Health Care Corp. v. Nationwide Mut. Ins. Co.*, 325 S.W.3d 88, 92 (Tenn. 2010)).

The term “medical services” is not defined in Tenn. Code Ann. § 39-17-1309. It is, however, defined in connection with Tennessee’s general statutory regulation of health and

healthcare as administered by the Tennessee Department of Health.<sup>1</sup> In that broad and overarching context, “[m]edical service’ includes all legally authorized branches of healing as exist by any statute of Tennessee.” Tenn. Code Ann. § 68-1-904(b).

Thus, dentistry is a medical service. It is a legally authorized branch of the “professions of the healing arts” and exists and is regulated by Tennessee statute, i.e., Tenn. Code Ann. § 63-5-101 through 134. Moreover, dentists are commonly viewed as members of the medical profession, and their services are commonly understood to be medical services.

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<sup>1</sup>Like the Board of Medical Examiners, the Board of Dentistry is a health-related board under the aegis of the Department of Health. Tenn. Code Ann. § 68-1-101(8)(G) and (M).