



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD OF FUNERAL DIRECTORS AND EMBALMERS AND BURIAL SERVICES
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2014 Legislative Updates

Pursuant to Tenn. Code. Ann. § 4-3-1306(d), you are receiving this notice because you have elected to receive notification by e-mail of certain changes or potential changes to the law applicable to your profession. As such, please accept this email to notify you of the passage of the following Public Chapters:

Public Chapter No. 555 amends Tenn. Code Ann. § 62-5-317(b) by making it a disciplinary offense for an applicant or licensee to give a monetary contribution to a hospice in exchange for a business referral, to own five percent (5%) or more of any hospice or to enter into any type of ownership arrangement with a hospice. This law will take effect on July 1, 2014. A copy of the new law is available for review on the website of the Tennessee General Assembly here: <http://state.tn.us/sos/acts/108/pub/pc0555.pdf>.

Public Chapter No. 690 amends Tenn. Code Ann. §§ 62-5-203 and 62-5-508(c) and adds a new section, § 62-5-208. Tenn. Code Ann. § 62-5-203 now specifically states that the Board may select both a President and a Vice President. Tenn. Code Ann. §§ 62-5-208 and 62-5-508(c), as amended, clarifies certain provisions regarding inspections performed by the Board. This law became effective on April 15, 2014. A copy of the new law is available for review on the website of The Tennessee General Assembly here: <http://state.tn.us/sos/acts/108/pub/pc0690.pdf>.

Public Chapter No. 560 amends Tenn. Code Ann. § 46-1-312 to state that the Commissioner is the party who may file a receivership action and that a receivership must be dissolved upon curing a trust fund deficiency only if such deficiency was the sole ground for the receivership. This law became effective on March 21, 2014. A copy of the new law is available for review on the website of the Tennessee General Assembly here: <http://state.tn.us/sos/acts/108/pub/pc0560.pdf>.

Public Chapter No. 815, amends Title 40, Chapter 29, relative to restoration of citizenship. This Act allows certain persons beginning on January 1, 2015, who have had their rights of citizenship restored to petition the court for a certificate of employability. If a person obtains

such a certificate, an agency may not deny the issuance, restoration or renewal of an occupational license solely on the person's past record of criminal activity but, instead, must consider each such applicant on a case-by-case basis. The certificate of employability preempts any existing rule that authorizes or requires the denial or refusal to issue, restore or renew a license based on the person's past record of criminal history; however, any agency may promulgate new rules which allow or require such a denial or refusal to issue, restore or renew a license notwithstanding the certificate based on the time elapsed since the criminal offense or the nature of the offense having a direct bearing on the fitness or ability to perform any duty or responsibility necessarily related to the sought license. Further, employers that hire individuals holding a certificate of employability may be provided with defenses to certain civil actions based on such hiring. This law became effective on April 28, 2014. A copy of the new law is available for review on the website of the Tennessee General Assembly here: <http://state.tn.us/sos/acts/108/pub/pc0815.pdf>.

Public Chapter No. 881, amends Tenn. Code Ann. §§ 62-76-201 and 202, and Tenn. Code Ann. §§ 68-1-129 and 130, relative to each board and commission created under Title 62. This Act requires each board and commission in consultation with the division of Regulatory Boards develop a plan to create an apprentice program for use by such board or commission. The details of the plan shall include specific items set out in the Public Chapter and shall be submitted to the speaker of the senate, the speaker of the house of representatives, the government operations committees of the senate and the house of representatives, the commissioner of commerce and insurance, the commissioner of health and the commissioner of labor and workforce development on or before December 31, 2014. If any board or commission has statutorily created apprenticeship programs or previously had such programs, it shall submit a similar report detailing information about such programs as set out in the Public Chapter. This law became effective on May 1, 2014. A copy of the new law is available for review on the website of the Tennessee General Assembly here: <http://state.tn.us/sos/acts/108/pub/pc0881.pdf>.

If you have any questions or concerns about these new laws, please contact us by email at reg.boards@tn.gov.