



Office of Legislative Affairs 2023 Legislative Update

Noteworthy Health-Related Legislation

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Non-Health Related Legislative Activity of Note

- June 19th is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided six paid weeks of leave for the birth of the employee's child or because of the employee's adoption of a child.
- "Send Me" is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.
- Law enforcement officers and the district attorney general's office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

Pertinent Public Chapters

*All Public Chapters are hyperlinked to the actual document on the Secretary of State's website.

[Public Chapter No. 1—SB1/HB1—Johnson/Lamberth](#)

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a

hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

[Public Chapter No. 24—SB248/HB66—Johnson/Lamberth](#)

This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. *This law was a DIDD legislative initiative.*

[Public Chapter No. 36—SB23/HB17—Massey/Faison](#)

This law designates the month of May as “Silver Alert Awareness Month.” This bill was effective on March 14, 2023.

[Public Chapter No. 41—SB256/HB75—Johnson/Lamberth](#)

This law allows law enforcement or the district attorney general’s office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse’s legislative initiative.*

[Public Chapter No. 42—SB266/HB314—Johnson/Lamberth](#)

This law makes changes regarding assignment of benefits to a healthcare provider and the collection of out-of-network charges by healthcare facilities, by removing existing notification requirements and duplicative language within code to adhere to the federal No Surprises Act. This law was effective on March 14, 2023. *This was a Department of Commerce and Insurance legislative initiative.*

[Public Chapter No. 88—SB334/HB704—Jackson/Doggett](#)

This law authorizes the Tennessee Bureau of Investigation the create new divisions outside of the investigation division, the forensic services division, and the narcotics division. This law also expands the duties of the Medicaid fraud control unit of to investigate and refer for prosecution violations of laws pertaining to misappropriations of funds or property and complaints of abuse, neglect, and financial exploitation of Medicaid recipients. This law was effective eon March 31, 2023.

[Public Chapter No. 91—SB454/HB609—Watson/Hawk](#)

This law authorizes family leave insurance to be written as an amendment or rider to a group disability income policy or life insurance policy, included in a group disability income police or life insurance policy or a separate group policy purchased by an employer. Under this law, family leave insurance means an insurance policy issued to an employer related to a benefit program provided to an employee to pay for a percentage or portion of the employee’s income loss due to the birth or adoption of a child by the employee, placement of a child with the employee for foster care, care of a

family member of the employee who has a serious health condition, or status of family member of the employee who is a service member on active duty or has been notified of impending duty. This law will be effective on January 1, 2024.

[Public Chapter No. 99—SB925/HB1429—Lundberg/Hicks](#)

This law removes the requirement that a provider of home medical equipment services that has a principal place of business outside this state maintain an office or place of business within this state. This law also requires the board for licensing health care facilities to promulgate rules to identifying contacts for state surveyors and state surveys. This law was effective on March 31, 2023.

[Public Chapter No. 114—SB255/HB74—Johnson/Lamberth](#)

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative.*

[Public Chapter No. 150—SB523/HB495— Jackson/Martin](#)

This bill enacts the "Topical Medical Waste Reduction Act of 2023," which allows facilities, defined as a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center, to offer a patient an unused portion of certain medications required for continuing treatment upon discharge when the medication was ordered at least 24 hours in advance for surgical procedures and is administered to the patient at the facility. If a medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on a medications proper use and administration, and the requirement of pharmacist counseling is waived. This law was effective on April 13, 2023.

[Public Chapter No. 156—SB40/HB206—Roberts/Ragan](#)

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

[Public Chapter No. 157—SB86/HB734—Walley/Rudd](#)

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.

[Public Chapter No. 188—SB277/HB325—Johnson/Lamberth](#)

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative.*

[Public Chapter No. 199—SB672/HB1051—Reeves/Vaughan](#)

This law authorizes a qualified advance practitioner to issue a certificate of need in support of hospitalization for emergency diagnosis, evaluation, and treatment. A qualified advance practitioner is an individual working in collaboration with a licensed physician and who is a nationally certified psychiatric-mental health advanced practice nurse or physician assistant with additional qualifications in psychiatry. The admitting hospital or treatment resource may rescind the certificate of need if a licensed physician or other qualified professional in examining the patient determines that the patient no longer meets admission criteria. Additionally, this law authorizes a licensed physician who is a board-certified psychiatrist to execute a certificate of need in support of hospitalization for a patient’s admission without a second certificate of need in support of hospitalization. This law takes effect July 1, 2023.

[Public Chapter No. 201—SB721/HB498—Massey/Martin](#)

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIPAA-compliant electronic means. This law was effective on April 24, 2023.

[Public Chapter No. 203—SB799/HB859—Yarbro/Jernigan](#)

This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of providing opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.

[Public Chapter No. 216—SB276/HB324—Johnson/Lamberth](#)

This law makes various changes to current law pertaining to leave for state employees. Among other things, this law allows an eligible employee to be granted absence from work with pay for a period of time equal to six workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption. This law is effective on July 1, 2023, and applies to eligible employees who qualify for leave on or after July 1, 2023. *This was one of Governor Lee's legislative initiatives.*

[Public Chapter No. 252—SB221/HB273—Roberts/Terry](#)

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board's attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

[Public Chapter No. 265—SB669/HB0981—Reeves/Faison](#)

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

[Public Chapter No. 270—SB859/HB982—Reeves/Terry](#)

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

[Public Chapter No. 300—SB551/HB448—Lowe/Davis](#)

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a

meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

[Public Chapter No. 306—SB924/HB577—Rose/Parkinson](#)

This law adds as an enhancement factor that can be considered during sentencing if a defendant has been convicted of aggravated assault or attempted first degree murder on the grounds or premises of a healthcare facility. Healthcare facility is defined as a hospital licensed under title 33 or 68. This law takes effect July 1, 2023.

[Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs](#)

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

[Public Chapter No. 316—SB1426/HB1004—Roberts/Darby](#)

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

[Public Chapter No. 325—SB1191/HB1388—Bailey/Ragan](#)

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

[Public Chapter No. 337—SB269/HB317—Johnson/Lamberth](#)

This law designates June 19th as as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*

[Public Chapter No. 379—SB0365/HB0355—Massey/Alexander](#)

This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast

screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.

[Public Chapter No. 424—SB0394/HB0734—Lamar/Love](#)

This law creates the doula services advisory committee, which is administratively attached to the Department of Health, to advise the Department by establishing core competencies and standards for the provision of doula services in this state and to recommend reimbursement rates and fee schedules for TennCare reimbursement for doula services. The committee consists of five members, one of which is the Commissioner of the Department of Health or his designee with certain experience requirements. This law is effective July 1, 2023.

[Public Chapter No. 426—SB0458/HB0496—Watson/Martin](#)

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

[Public Chapter No. 432—SB702/HB1095—Crowe/Boyd](#)

This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.

[Public Chapter No. 438—SB102/HB158—Gardenhire/Zachary](#)

This law prohibits an LEA, public charter school, or public institution of higher education from requiring an educator or other employee of the LEA or public charter school to complete or participate in implicit bias training or take an adverse employment action against them for failure or refusal to complete or participate in implicit bias training. "Implicit bias training" means a training or other educational program designed to expose an individual to biases that the training's or educational program's developer or designer presumes the individual to unconsciously, subconsciously, or unintentionally possess that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual's patterns of thinking in order to eliminate the individual's unconscious bias or prejudice. This law took effect May 17, 2023.

[Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes](#)

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the

applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

[Public Chapter No. 457—SB753/HB1317—Haile/Kumar](#)

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

[Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan](#)

This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID-19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

[Public Chapter No. 486—SB1440/HB239—Roberts/Bulso](#)

This law defines "sex" in code to mean 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. "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. This law takes effect on July 1, 2023.

Please note that these are high-level overviews of each public chapter. They do not include every detail or provide all bill information. Please review the text of the bill in its entirety at your own discretion. If you have any questions or need further clarity, please reach out to your attorney.