



Department of
**Mental Health &
Substance Abuse Services**
2018 LEGISLATIVE SUMMARY

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

SUBSTANCE ABUSE/CONTROLLED SUBSTANCES RELATED LEGISLATION

SB2257/HB1831 Requirements for prescribing, dispensing, and reporting of opioids.

Summary: With exceptions, establishes certain prescribing limits for opioids, and imposes other dispensing and reporting requirements. Part of the Governor's TN Together Opioid Initiative.

Public Chapter: PC 1039

SB2258/HB1832 Scheduling of controlled substances and their analogues and derivatives, and sentence reduction credits for treatment

Summary: Includes the director of the Tennessee bureau of investigation in the process of revising and republishing of the annual schedule of dangerous drugs. Excludes certain drugs from the schedule. Updates the list of drugs and common names for drugs to be categorized in schedules. Allows for sentence reduction credits to prisoners after successfully completing intensive treatment for substance use. Places restrictions on the sale and possession of Kratom. Part of the Governor's TN Together Opioid Initiative.

Public Chapter: PC 1040

SB777/HB717 Reporting requirements established in effort to discover impact and reduce abuse of opioids.

Summary: Declares that a nonresidential office-based opiate treatment facility (OBOT) includes, but is not limited to, stand-alone clinics, treatment resources, individual physical locations occupied as the professional practice of a prescriber or prescribers licensed pursuant to Title 63, or other entities prescribing products containing buprenorphine, or products containing any other controlled substance designed to treat opiate addiction by preventing symptoms of withdrawal, to 25 percent or more of its patients “or” to 150 or more patients. Requires TDMHSAS, by January 1, 2019, to revise rules for OBOTs to establish: standards for determining what constitutes a high dose of the opioid employed in treatment at an OBOT; protocols for initiating or switching a patient at an OBOT to a high dose of the opioids employed in treatment; and protocols for initiating periodic prescriber-initiated and led discussions with patients regarding patient readiness to taper down or taper off the opioids employed in treatment. Requires TDMHSAS, beginning in 2020, to review the rules for OBOTs by September 30 of each even numbered year and submit the rules for OBOTs to each health-related board that licenses any practitioner authorized by the state to prescribe buprenorphine for the treatment of an opioid use disorder. Requires TDMHSAS to provide a copy of any emergency rules developed to the chairs of the Health Committees at the time the rules are submitted to the HRB. Further requires TDMHSAS to provide a copy of any rule developed to the chairs of the Health Committees at the same time the text of the rule is made available to the Government Operations Committees for purposes of conducting the review required by T.C.A. § 4-5-226 to afford the opportunity for the appropriate committees to comment on the rule. Declares that a violation of rules for OBOTs will be grounds for disciplinary action against a practitioner licensed under Title 63 by the board that licensed that practitioner. States that beginning July 1, 2018, the licensing fee for a nonresidential office-based opiate treatment facility is \$1,500 per year. Authorizes TDMHSAS to apply a re-inspection fee of \$500 to an OBOT. Requires TDMHSAS, in collaboration with the Department of Health (DOH), to revise the nonresidential buprenorphine treatment guidelines to establish protocols for initiating periodic prescriber initiated and led discussions with patients regarding patient readiness to taper down or taper off opioids employed in treatment. Requires a healthcare practitioner to submit the dispensing of buprenorphine products in the controlled substance database. Prohibits the dispensing of buprenorphine products, notwithstanding any other law, by any person or entity unless the dispensing is done by an OBOT, with the approval of TDMHSAS, a nonresidential substitution-based treatment center for opiate addiction, a pharmacy licensed under Title 63, Chapter 10, or a hospital licensed under Title 33, or Title 68, Chapter 11. Requires the DOH to identify the top 20 prescribers who have unique DEA numbers of buprenorphine products or equivalent products in the previous calendar year, or if implemented more frequently for the relevant time period as determined by the department, from the data available in the controlled substances database.

Public Chapter: PC 978

SB2099/HB2002 Direct administration of buprenorphine mono.

Summary: Allows the direct administration of (long acting) buprenorphine mono or buprenorphine without use of naloxone by a healthcare provider for the treatment of substance use disorder pursuant to a medical order or prescription order from a physician.

Public Chapter: PC 674

SB2095/HB2510 Prescribing of buprenorphine by certain nurse practitioners.

Summary: Establishes a working group to examine the potential impact of allowing nurses and physician assistants to prescribe buprenorphine containing products for the treatment of opioid abuse disorder. Requires the working group, no later than February 1, 2019, to submit a report regarding its findings and recommendations to the Commissioner of the DMHSAS, the Commissioner of the DOH, and the Health Committees of the House and Senate, at which time the working group will cease to exist.

Public Chapter: PC 1059

SB2674/HB2348 Prescribing of opioids to non-pregnant women of child-bearing age.

Summary: With certain exceptions, requires a prescriber, prior to prescribing more than a three-day supply of an opioid or an opioid dosage that exceeds a total of a 180 morphine milligram equivalent dose to a woman of childbearing age, to: (1) Advise the patient of the risk associated with opioid use during pregnancy; (2) Counsel the patient on appropriate and effective forms of birth control; and (3) Offer information about the availability of free or reduced cost birth control to the patient.

Public Chapter: PC 901

SB2214/HB1929 Sober living homes.

Summary: Requires a municipality to display a notice regarding unlawful operation of alcohol and drug abuse prevention and or treatment services in city hall or other building that houses the municipality's seat of government. Requires a municipality that maintains a website to also place such notice predominantly on its website. Authorizes a municipality to adopt an ordinance to require sober living homes to display a notice in a prominent place within the sober living home and further authorizes municipalities to adopt ordinances encouraging sober living homes to become chartered and comply with applicable requirements.

Public Chapter: PC 879

SB2711/HB2110 Annual compliance report on capital cases.

Summary: Imposes a \$10.00 fee for an electronic monitoring indigency fee if a victim of an assault is a domestic abuse victim. The proceeds collected from the \$10.00 fee will be transmitted to the treasurer in the electronic monitoring indigency fund. The language "DUI monitoring fund" is deleted wherever it appears in certain titles, replacing the language with "electronic monitoring indigency fund".

Public Chapter: PC 1046

HJR600 Urges the FDA to consider making Naloxone an over-the-counter medication.

Summary: Urges the United States Food and Drug Administration to consider making Naloxone an over-the-counter medication.

Executive Status: 03/22/18 - Signed by governor.

SB1626/HB1460 Requirements for recovery high schools.

Summary: Allows LEAs to establish a recovery high school to serve eligible students starting in the 2018-2019 school year.

Public Chapter: PC 569

SB1721/HB1721 Driver license revocation for nonpayment of fines by offender.

Summary: Allows for a recovery court judge to determine the period of time the stay of revocation of a driver's license should remain in effect for an offender who is participating in a recovery court.

Public Chapter: PC 538

SB1787/HB2190 Distribution of controlled substances elevated to second degree murder.

Summary: Includes the unlawful distribution, delivery, or dispensation of fentanyl or a combination of any controlled substance and fentanyl as second degree murder in instances in which the controlled substance was the proximate cause of death.

Public Chapter: PC 995

SB1915/HB1883 Defines oil containing the substance cannabidiol.

Summary: Differentiates between marijuana and oil containing the substance cannabidiol. Changes the definition of "industrial hemp" to include .6 percent THC.

Public Chapter: PC 1041

SB1974/HB1959 TBI Funds.

Summary: Deletes the TBI drug chemistry unit drug testing fund and the TBI toxicology unit intoxicant testing fund. The funds collected from the drug testing fee will be directed to the general fund to be used as appropriated by the general assembly.

Public Chapter: PC 1044

SB1977/HB2180 Needle and hypodermic syringe exchange program.

Summary: Revises the distance parameter for the prohibition on a hypodermic syringe exchange program being operated within 2,000 feet of a school or park to make the parameter 1,000 feet in Nashville/Davidson County and in Chattanooga, Knoxville, and Memphis.

Public Chapter: PC 649

SB2359/HB2675 Authorizes needle and hypodermic syringe exchange program.

Summary: Allows county and district health departments to petition for approval from county legislative bodies to create needle and hypodermic syringe exchange programs.

Public Chapter: PC 945

SB2022/HB2004 Establishes an opioid abuse and diversion hotline.

Summary: Requires the Department of Health to accept allegations of opioid abuse or diversion and to publicize a means of reporting such allegations. Requires any entity that prescribes, dispenses, or handles opioids to provide information to employees about reporting suspected opioid abuse or diversion.

Public Chapter: PC 675

SB2025/HB2440 Prescriptions for controlled substances - partial fill allowed.

Summary: Authorizes a prescription for an opioid to be partially filled under certain circumstances.

Public Chapter: PC 1007

SB1227/HB901 Opioid prescriptions in the TennCare program.

Summary: Requires the Bureau of TennCare to promulgate rules to promote the safe and responsible coverage of opioids for TennCare members who have the TennCare pharmacy benefit.

Public Chapter: PC 864

MENTAL HEALTH RELATED LEGISLATION

SB834/HB958 Mental health patients - purchase of firearms.

Summary: Requires the instant check unit of the TBI to contact the chief law enforcement officer of a jurisdiction where a person who has been adjudicated as a mental defective or judicially committed to a mental institution attempts to purchase a firearm. Additionally, courts are required to report persons who have been judicially committed or adjudicated as a mental defective to the FBI-NICS Index and the department of safety. Specifies that all such reports must include the patient's or defendant's: (1) Race and sex; and (2) Social security number, if available, and requires facilities licensed under Title 33 to report this information to law enforcement.

Public Chapter: PC 799

SB2362/HB2219 Involuntary commitment reporting requirements.

Summary: Requires TDMHSAS and TDH, when conducting inspections of hospitals that are licensed by each respective department, to verify that hospitals are complying with the present law requirement for reporting a patient's involuntary commitment to an inpatient treatment facility to local law enforcement so that the information may be reported to the FBI-NICS Index and the department of safety. Extends the reporting and verification requirements to the department of health and hospitals that are licensed by the department of health. Further specifies that failure to comply with the reporting requirements subjects the hospital to civil penalties or action against the hospital's license as authorized by present law. Also adds that a pharmacy or pharmacist has the right to provide an insured information regarding the amount of the insured's cost share for a prescription drug.

Public Chapter: PC 1015

SB41/HB3 Licensed clinical social workers exempt from subpoena to trial.

Summary: Limits the exemption from subpoena to trial for certain licensed clinical social workers.

Public Chapter: PC 851

SB1718/HB1795 Adds community mental health centers to definition of healthcare organization.

Summary: Adds community mental health centers to definition of "healthcare organization" in order to add them to quality improvement committees.

Public Chapter: PC 593

SB1776/HB1678 Reports of claims data by licensed hospitals.

Summary: Requires hospitals licensed under Title 33 to report claims data to the commissioner of health at least quarterly.

Public Chapter: PC 618.

SB1927/HB1956 Veteran representation on the statewide planning and policy council.

Summary: Requires the commissioner of mental health and substance abuse services to appoint at least one military veteran recipient.

Public Chapter: PC 732

SB1949/HB1961 Suicide Mortality Review and Prevention Act of 2018.

Summary: Authorizes the commissioner of health to create the Tennessee suicide prevention program. Requires the department to establish a team that will: (1) Compile existing data on suicide deaths; (2) Review existing resources and programs related to suicide prevention; (3) Identify evidence-based or promising practices related to the prevention of suicide; (4) Convene relevant stakeholders to review existing data and existing programs and resources and identify opportunities to improve data collection and analysis and programming; and (5) Submit a report to the general assembly no later than June 30, 2020, recommending any necessary programs or policies to prevent suicide deaths in this state.

Public Chapter: PC 1005

SB2029/HB2690 Privacy protections for students' education and health records.

Summary: Requires LEAs to provide written notice to a student's parents or legal guardians before the student participates in any mental health screening.

Public Chapter: PC 910

SB2196/HB2272 Social workers at LEA's.

Summary: Requires the department of education to establish a student support collaborative to review and define the roles and responsibilities for school social workers, school counselors, school psychologists, and school nurses.

Public Chapter: PC 844

SB2364/HB1541 Payment reform initiatives - behavioral healthcare episodes.

Summary: Excludes behavioral health from episodes of care for anxiety and non-emergent depression in any payment reform initiative developed or implemented with respect to medical assistance provided under the bureau of TennCare or the health care finance and administration (HCFA) division of the department of finance and administration.

Public Chapter: PC 1016

GENERAL HEALTH/HEALTH INSURANCE/HEALTH ADMINISTRATION RELATED LEGISLATION

SB1670/HB1695 Honoring prescription for person displaced by natural disaster.

Summary: Permits a pharmacist to honor a valid prescription written by a physician in another state or territory for a person from another state or territory that has been displaced by a disaster.

Public Chapter: PC 615

SB1728/HB1551 Work requirements for certain adult enrollees.

Summary: Requires the submission of a TennCare II waiver amendment to CMS imposing reasonable work and community engagement requirements upon able-bodied working age adult enrollees without dependent children under the age of six; and (be consistent with the most recent guidance to state Medicaid directors provided by CMS concerning opportunities to promote work and community engagement in demonstration projects.

Public Chapter: PC 869

SB2026/HB2084 Annual Coverage Assessment of 2018.

Summary: Creates Annual Coverage Assessment of 2018. Imposes an annual coverage assessment for fiscal year (FY) 2018-2019 for certain covered hospitals. Requires assessment to be 4.52% of a covered hospital's annual coverage assessment base.

Public Chapter: PC 888

SB2165/HB2355 Behavioral health insurance requirements.

Summary: Revises requirements regarding coverage for mental health, mental illness, and alcohol or drug dependence, and requires certain reports.

Public Chapter: PC 1012

SB2191/HB1993 Electronic prescriptions for controlled substances.

Summary: Requires health care prescribers to issue all prescriptions for Schedule II controlled substances electronically by July 1, 2020, with some exceptions, notably, that prescriptions issued by a health care prescriber who issues 50 or fewer prescriptions for Schedule II controlled substances per year are exempt.

Public Chapter: PC 883

SB1515/HB2239 Redefines physicians and physician assistants' professional relationship.

Summary: Changes references to the professional relationship between physicians and physician assistants from "supervisory" to "collaborative." Makes similar changes to references to the professional relationship between physicians and advanced practice registered nurses.

Public Chapter: PC 610

SB2363/HB1728 Barter of goods or services as payment for healthcare services.

Summary: Allows a physician to accept goods or services as payment in a direct exchange of barter for healthcare services provided by the physician. Does not apply to healthcare services provided at a pain management clinic.

Public Chapter: PC 1037

SB2244/HB1820 Revises requirements for nursing homes, assisted care living facilities, and adult care homes.

Summary: Authorizes the commissioner to halt new admissions to nursing homes, assisted care living facilities and adult care homes if conditions are likely to be detrimental to the health of residents. The board for licensing health care facilities is authorized to assess penalties to nursing homes, assisted care living facilities and adult care homes if found in severe violation of laws and regulations.

Public Chapter: PC 655

SB2246/HB2113 Confidentiality of individually identifiable health information.

Summary: Requires the department of health to keep individually identifiable health information from state, county, and municipal hospitals confidential.

Public Chapter: PC 633

SB2361/HB2220 Off-Label uses of medication.

Summary: Authorizes a pharmaceutical manufacturer or its representatives to engage in truthful promotion of off-label uses.

Public Chapter: PC893.pdf

SB1824/HB1927 Physicians - maintenance of licensure.

Summary: Prohibits health care facilities, health insurers, and mental health facilities from discriminating against physicians who choose not to participate in licensure maintenance or maintenance of certification, unless certain conditions are met.

Public Chapter: PC 694

SB1797/HB1510 Tennessee Public Safety Behavioral Health Act.

Summary: Requires public safety employers to provide not less than ten visits or sessions with a mental health service provider for the purpose of treating PTSD through the employee's health benefits or otherwise, in addition to any other behavioral or mental health benefits offered.

Public Chapter: PC 997

STATE GOVERNMENT RELATED LEGISLATION

SB2552/HB2644 Appropriations Act.

Summary: The Budget.

Public Chapter: PC 1061

SB2553/HB2646 Implementation Bill.

Summary: Makes various statutory revisions for the implementation of the appropriations act (SB 2552/ HB 2644/ PC 1061).

Public Chapter: PC 1063

SB2554/HB2645 Issuance and selling of bonds by the state.

Summary: Authorizes the state to issue and sell direct general obligation bonds in amounts not to exceed \$215,295,000,

Public Chapter: PC 1062

SB1047/HB944 CARE Act.

Summary: Enacts the Contract Accountability and responsible Employment (CARE) Act that requires compliance with certain processes, including but not limited to production of an economic impact statement, for state agencies procuring service contracts with private parties exceeding \$2,500,000 that result in the layoff or furlough of one or more state employees.

Public Chapter: PC 544

SB1572/HB1895 Revisions to UAPA.

Summary: Revises definitions of "policy" and "rule" for rulemaking purposes. With certain exceptions, requires annual reporting of policies to the Government Operations Committees. Prohibits an agency from promulgating rules or implementing policies that infringe on an agency member's freedom of speech. Specifies that an agency's appointing authority has the sole power to remove a member from a board, commission, council, committee, authority, task force, or other similar multi-member agency.

Public Chapter: PC 929

SB1573/HB2437 UAPA - requirements for agencies holding public hearings regarding rulemaking process.

Summary: Requires agencies, when statutorily required to hold a public hearing as part of its rulemaking process, to make copies of the rule available in redline form to persons in attendance at the hearing.

Public Chapter: PC 611

SB2295/HB2328 UAPA - continues permanent rules filed with secretary of state.

Summary: Continues permanent rules filed with the secretary of state on or after January 1, 2017 with certain exceptions.

Public Chapter: PC 942

SB2603/HB2386 UAPA - venue for appeals of contested case hearings.

Summary: With exceptions, requires the appeals of contested case hearings to be heard in the chancery court nearest to the residence of the person contesting the agency action, or at the person's discretion, the chancery court nearest to where the action arose.

Public Chapter: PC 1021

SB1724/HB1608 Promulgation of rules regarding inspection and copies of public records.

Summary: Requires state government entities to promulgate rules on making requests to inspect public records or receive copies of public records, redaction practices, and statement of any fees charged for copies of public records and the procedures for billing and payment.

Public Chapter: PC 712

SB1919/HB1788 Employee suggestion award program.

Summary: Revises provisions governing the state employee suggestion award program, including award amount.

Public Chapter: PC 1038

SB1777/HB1750 Resource mapping to support persons 60 years of age or older.

Summary: Requires the commission on aging and disabilities to design and oversee a resource mapping of federal, state, nonprofit, and nongovernmental resources and funding streams that support the health, safety, and welfare of persons 60 years of age or older. Requires the comptroller and each state department or agency to provide assistance upon request by the commission in mapping such resources.

Public Chapter: PC 548

SB2166/HB2469 Appeal procedures for state employees in preferred service.

Summary: Requires the appointing authority or its designee, in a Step I appeal, and the Commissioner of Human Resources, in a Step II appeal, to

provide the employee with any and all documents or other evidence in their possession prior to the meetings on the matter, except that documents or evidence that is part of an active criminal investigation or prosecution by any law enforcement agency need not be provided, but must be made available to the employee for inspection during the meeting if such document or evidence will be relied upon by the appointing authority or the Commissioner. Requires the appointing authority and the Commissioner of Human Resources to make all reasonable efforts to gather all relevant documents and evidence germane to the meeting prior to conducting the meeting.

Public Chapter: PC 904

SB1589/HB1462 Requirements for state funding estimates and governor's budget recommendations.

Summary: Requires that all developed estimates and revisions be adopted by a majority vote of the entire board.

Public Chapter: PC 1031

SB1650/HB1585 Codifies the Acts of the 2017 regular session.

Public Chapter: PC 536

SB1870/HB1949 Private rights of action.

Summary: Creates a cause of action for affected persons seeking declaratory or injunctive relief in any action brought regarding the legality or constitutionality of a governmental action. Prohibits actions for seeking damages.

Public Chapter: PC 621

SB1877/HB2143 Audit of use of civil asset forfeiture proceeds by local law enforcement agencies.

Summary: Requires the department of safety to provide an annual report on how proceeds derived from forfeited assets are used by the department and that the report be made available to the public through the departments of safety's website.

Public Chapter: PC 999

SB2192/HB2006 Hiring preference for veterans.

Summary: Requires that veterans receive a hiring preference for state employment.

Public Chapter: PC 771

SB2379/HB2590 Maternity and paternity leave.

Summary: Authorizes a state employee to use sick leave and annual leave for maternity or paternity leave for a period not to exceed the state employee's accumulated sick leave and annual leave balance, or 12 weeks, whichever is less.

Public Chapter: PC 907

SB2443/HB2589 Probation periods for state employment.

Summary: This specifies that an employee in the preferred service who accepts another preferred service position within the same agency will serve a subsequent probationary period for a time period of not less than one year. An employee serving a subsequent probationary period may appeal a suspension, demotion, or separation from service, but the employee may not appeal a demotion that returns the employee to the employee's

immediately preceding former position.

Public Chapter: PC 792

SB1527/HB1621 Sunset - council on children's mental health care.

Summary: Extends the council on children's mental health care for four years to June 30, 2022.

Public Chapter: PC 505

SB1526/HB1620 Sunset - controlled substance database advisory committee.

Summary: Extends the controlled substance database advisory committee for five years to June 30, 2023.

Public Chapter: PC 504

MISCELLANEOUS

SB 2261/HB2271 Juvenile Justice Reform Act of 2018.

Summary: Enacts the "Juvenile Justice Reform Act of 2018." Allocates \$4.5 million to the state budget to expand community-based services and provide treatment options for juvenile courts.

Public Chapter: PC 1052

SB2059/HB2129 School Safety Act of 2018.

Summary: Enacts the "School Safety Act of 2018", which will authorize, but not require, LEAs to adopt policies that allow off-duty law enforcement officers to serve as armed school security officers.

Public Chapter: PC 1008

SB1487/HB1498 Licensure exemption for religious organizations providing limited respite care services programs.

Summary: Exempts religious organizations and institutions that provide limited respite care services programs from licensure for providing adult day care.

Public Chapter: PC 607

SB2343/HB2561 Redefining housing for local authorities to appropriate funds.

Summary: Limits authorization for counties to appropriate funds for affordable or workforce housing to Davidson County.

Public Chapter: PC 791

SB2369/HB2370 Concealed carry of handguns by permit holders on certain property allowed.

Summary: Authorizes an individual, business entity, or government entity to allow the concealed carry of handguns by handgun carry permit holders on the individual's or entity's property while prohibiting other weapons or the open carry of firearms; and establishes posting requirements for "concealed firearms by permit only" signage.

Public Chapter: PC 823

SB1109/HB1110 Special designation on driver and photo identification licenses for persons with developmental disabilities.

Summary: Authorizes department of safety to issue special designation on driver and photo identification licenses for persons with developmental disabilities. Establishes a set of procedures for law enforcement interactions with persons with developmental disabilities.

Public Chapter: PC 981

SB5/HB10 Periodical realignment of judicial districts to correspond to new state population centers.

Summary: Adds a trial court to the 16th, 19th, and 21st judicial districts, effective September 1, 2018. Creates an advisory task force to review the composition of Tennessee's current judicial districts comprised of 11 members.

Public Chapter: PC 974

SB2332/HB2315 Adoption of sanctuary policies prohibited.

Summary: Specifies that a state or local government entity that adopts a sanctuary policy will be ineligible to receive any state moneys until the policy is repealed, rescinded, or otherwise no longer in effect.

Public Chapter: PC 973

SB2591/HB2303 Homeless Student Stability and Opportunity Gap Act.

Summary: Provides that LEAs, in accordance with the McKinney-Vento Homeless Assistance Act, must provide educational services and support to homeless students and designate a local liaison responsible for ensuring homeless students are identified and have a full and equal opportunity to succeed in school.

Public Chapter: PC 1020

SB2621/HB2159 Elderly and Vulnerable Adult Protection Act of 2018.

Summary: Enacts the "Elderly and Vulnerable Adult Protection Act of 2018." Creates and revises certain criminal offense related to offenses against elderly and vulnerable adults.

Public Chapter: PC 1050