



# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations



# 1

226 Anne Dallas Dudley Blvd., Suite 508  
Nashville, Tennessee 37243-0760  
Phone: (615) 741-3012  
Fax: (615) 532-2443  
[www.tn.gov/tacir](http://www.tn.gov/tacir)

## MINUTES OF THE TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

December 19, 2024

### Meeting Called to Order

The Tennessee Advisory Commission on Intergovernmental Relations met in House Hearing Room III of the Cordell Hull Building at 8:35 a.m., Vice Chairman Kevin BROOKS, presiding.

Present 16	Absent 6
Mayor Rogers Anderson	Commissioner Jim Bryson
Mayor Kevin Brooks	Councilman Chase Carlisle
Mayor Paige Brown	Representative Harold Love Jr.
Senator Heidi Campbell	Representative Antonio Parkinson
Mr. Calvin Clifton	Representative Ryan Williams
Representative John Crawford	Senator Ken Yager
Mayor Terry Frank	
County Clerk Mary Gaither	
County Executive Jeff Huffman	
Comptroller Jason Mumpower <sup>1</sup>	
Mr. Jeff Peach	
Mayor Bob Rial	
Commissioner Deniece Thomas <sup>2</sup>	
Mayor Larry Waters	
Senator Bo Watson	
Senator Jeff Yarbro	

<sup>1</sup> Laura Bond represented Comptroller Jason Mumpower

<sup>2</sup> Matthew Grove represented Commissioner Deniece Thomas

## **Call to Order and Approval of the Minutes**

Vice Chairman Kevin BROOKS called the meeting to order at 8:35 a.m. Vice Chairman BROOKS then requested and received approval of the September 2024 meeting minutes.

### **1. Commission and Staff Update**

Executive Direct Cliff LIPPARD told the staff that former TACIR members County Executive Rozelle Criner and Representative James Thomas “Tommy” Head had both passed away during October 2024 and asked the members to join him in honoring their service to the state, their communities, and the people of Tennessee.

Dr. LIPPARD, moving on to staff updates, said that in recognition of their excellent performance and great potential, staff members Jennifer Arzate, Carly Van Syckle, and Madison Thorn were all recently promoted to senior research associate. He also said that Senior Research Associate Presley Powers had graduated from the State of Tennessee’s LEAD Tennessee training program, and that Research Manager Tyler Carpenter had been elected to serve on the Board of Commissioners of the Town of Nolensville.

Finally, Dr. LIPPARD informed the members that TACIR Director of Administration Michael Timme was on extended medical leave and asked them to keep Michael in their thoughts and prayers.

### **2. Senate Bill 2877/House Bill 2961 (Capacity of Crime Labs in Tennessee)—Panel**

Senior Research Associate Madison THORN presented a brief overview of the crime labs study and introduced panel participants with knowledge about the state's forensic crime labs and the effect that evidence testing backlogs have on the judicial process. Panelists included

- Mike Lyttle, assistant director, Forensic Services Division, Tennessee Bureau of Investigation;
- Amanda Sweet, director, Forensic Services Division, Metropolitan Nashville Police Department Crime Laboratory;
- Stephen Crump, executive director, Tennessee District Attorneys General Conference;
- Jennifer Escue, executive director, Tennessee Coalition to End Domestic and Sexual Violence; and
- Patrick Frogge, executive director, Tennessee District Public Defenders Conference.

Assistant Director Mike LYTTLE presented an overview of the Tennessee Bureau of Investigation (TBI) forensic services division. He briefly discussed TBI’s November turnaround times report, noting a 57% decrease in the number of pending requests from 2023 to 2024. He also provided some history about the TBI labs: there were once five labs in operation, but in 2003 the Jackson and Chattanooga labs closed because of budget cuts. As a result, the Memphis lab was responsible for serving all of West Tennessee, but because it was not designed or staffed to do so, TBI built the Jackson lab to serve the region and closed the Memphis lab. To minimize

inconvenience to Shelby County, he said TBI picks up evidence at the Memphis field office once a week and transports it to the Jackson lab. He said in 2023, 26% of West Tennessee cases came from Shelby County, and 65% were closer to the new Jackson lab location. He said they consider the placement of labs not only for where the evidence comes from but also for their staff providing testimony in court.

Director Amanda SWEET said the Metro Nashville Police Department (MNPd) crime lab is a full-service lab serving Davidson County and is the only crime lab owned and operated by a local government in the state. On the topic of building a local crime lab, she said MNPd began discussions to build their own lab in 2005. They hired the lab's first staff member in 2008, moved into the facility in 2013, and received accreditation and began receiving cases in 2015. She said MNPd wanted its own lab to achieve faster turnaround times and allow for more oversight in case prioritization, and she said some of the challenges with opening a local laboratory included the capital and operating cost, staff recruitment, and the time needed to open. She said the initial cost to build their 35,000-square-foot facility was approximately \$30 million with an additional \$4 million for instrumentation, equipment, and renovations; their annual operating budget is approximately \$8.5 million. Some advantages of a local government lab include working with one police department and district attorney (DA); streamlined communication; established relationships; more control over prioritizing cases, and quick National Integrated Ballistic Information Network (NIBIN) turnaround times. She said some disadvantages are managing turnover because of the smaller staff; strain on the city budget; perceived bias because they are paid by a police agency; and maintaining accreditation or the budget leading to casework being returned to a state agency. She also said they don't provide every forensic testing service and continue to depend on TBI for some more advanced types of services.

Executive Director Stephen CRUMP said law enforcement and prosecutors interact with forensic crime labs in three ways. The first is the testing itself: most local law enforcement agencies don't have the capability to test any forensic or scientific evidence—they can't perform analysis and are heavily reliant on TBI to process the evidence. Second, he said the labs have teams that can assist local law enforcement in processing crime scenes, particularly for serious crimes. They help collect and document evidence and ensure that the evidence gets to the lab for processing, which provides an enormous service, especially to smaller departments. Lastly, he said lab experts are important because they testify in court, taking complex scientific subjects and educating people about how the science actually works.

Executive Director Jennifer ESCUE said her organization worked with the General Assembly last year to expand the civil statute of limitations on adult sexual assault cases, and the state now has a tracking system for sexual assault forensic exam kits. She said although evidence processing—delays—have irreversible consequences, TBI has made a lot of progress and continues to improve—in some areas, turnaround times are as quick as 8 to 12 weeks, which is a significant improvement. However, there are some jurisdictions with processing times of 6 to 9 months. She said delays with processing sexual assault kits perpetuate cycles of harm, and during that time, some victims will receive letters from law enforcement or prosecutors, particularly around the 90-day mark, saying that their case is being closed because of lack of evidence. While those cases will be reopened when the forensic exams are processed, those

notifications can be confusing and devastating to victims. When they wait a long time for results, victims can lose faith in the system and feel frustrated and retraumatized, often leading to disengagement with the criminal justice process. On a larger scale, trust in law enforcement and the criminal justice system is eroded, creating a ripple effect—victims become less likely to report assaults, less likely to cooperate with prosecution, and less likely to achieve justice.

Director Patrick FROGGE said most of the public defenders are also frustrated with delays. Most cases—90 to 95%—are settled relatively quickly, and a lot of cases, especially drug cases, are waiting on results from the lab. He said the DAs also have to wait for lab test results because they can't indict the case until they know the quantity and type of drug from the forensic analysis, while defendants sit in a local jail waiting for forensic analysis and are often willing to take a plea deal. He said forensic chemistry analyses are probably lower in priority than other issues, like sexual assault kits, and waiting for test results becomes a significant bottleneck and increases caseloads. He said it matters more in rural counties where the grand jury meets about once every three months instead of every month, adding to the wait time.

Senator CAMPBELL asked what is happening with sexual assault kits at the Metro Nashville lab and what the panelists think about the need for more crime labs. Director SWEET said she is indifferent about what is decided about the crime laboratories—it wouldn't affect their testing. Their turnaround times are fairly good in most disciplines now except for DNA analysis. For a while, they did not have a DNA technical leader, a position that is mandated by the FBI to be able to enter profiles into the Combined DNA Index System (CODIS) database. While the position was vacant, they could not start new DNA testing, enter cases into CODIS, or complete people's training program, which put them behind in sexual assault kit testing. They hired a DNA technical leader in May 2023, and his main goal has been to train people, allowing them to start doing DNA testing again. Hiring and keeping people in key positions is one of the challenges with a local laboratory. At this time, the lab has a 750-case backlog of sexual assault kits and just received the DNA Capacity Enhancement for Backlog Reduction (CEBR) grant funding to outsource some of those kits. They are prioritizing training to have nine reporting DNA analysts by the end of this year to produce more cases every month.

In response to Senator CAMPBELL's question about the need for more crime labs, Director CRUMP said the DAs don't care whether there are more lab locations—there just needs to be more scientists testing evidence. However, he doesn't know whether we need more buildings to put more scientists. He said the Shelby County DA is adamant that there needs to be a crime lab in Memphis, but Director CRUMP said it would need to be full service and fully staffed. He said the DA's conference constantly pays for cases to be outsourced. For example, he paid a lot for DUI cases to be outsourced for the Metro Nashville lab during COVID. Because TBI doesn't do every forensic test, DAs frequently use outside labs for more advanced tests, especially for DNA.

Director Mike LYTTLE said from TBI's perspective, it is challenging to run a small crime lab, especially because losing key personnel can shut things down—they ran into that in the Memphis lab many years ago. But better communication between law enforcement and the crime laboratory is an advantage. For example, if TBI received information about pending cases when defendants accept a plea, they would not test those cases and could greatly improve

service to their customers. For drug chemistry, a year ago, they had over 11,000 pending requests; now they have 3,700. Their statewide turnaround time was 24.6 weeks; now it's 11.5 weeks. They have greatly improved, but with drug chemistry in particular, they are testing a lot of cases that are not needed for prosecution.

Mayor FRANK asked about the capacity of DAs, public defenders, and courts to address cases if backlog is reduced, whether expediting testing will result in cases sitting on a shelf, or whether more DAs and public defenders are needed. Director CRUMP said he doesn't know that more DAs would be needed. The number of cases that can be tried is more a function of the number of judges, and speeding up testing won't change the number of days in trial court. But testing does produce quicker resolutions of cases. Many times, defense counsel will say they can't plead the case until they are certain about the drug substance or quantity, and DAs are hesitant to indict someone. However, the science is moving in a different direction with field testing that would allow for both preliminary hearing and grand jury testimony based upon a preliminary field test, which would resolve more cases and greatly reduce the number of laboratory tests.

In response to Mayor FRANK's question about whether there would be more benefit to addressing staffing in the locations with longer wait times, Director LYTTLE said TBI is fortunate because the General Assembly recently approved 50 new positions, which they spread throughout the forensic division where the need was greatest. He said training among the different testing disciplines varies—it takes about one year to train someone in drug chemistry, and they now have all the people in their drug chemistry unit hired and trained. For firearms, it takes two years to train new hires, and their testing turnaround times are lagging behind because several people are still training. He said several years ago, their firearms unit only had 37.5% of staff fully trained, and now they are at 62.5%; as those people get trained, their turnaround times will improve. He said they have the adequate staff in place now; it just takes time to get all staff completely trained and able to do testing.

In response to Mayor FRANK's question about the large difference in turnaround times between jurisdictions, Director ESCUE said the TBI is aiming for a turnaround time of 8 to 12 weeks, and Johnson City is an example of where that is happening. However, she said Chattanooga seems to have a more inconsistent timeline, resulting in longer processing times. While there is a general trend of improvement, consistency has not yet been achieved across all areas. Director CRUMP said TBI's most recent monthly report shows the turnaround time for sexual assault kits is 5.6 weeks in Nashville, 11.3 weeks in Knoxville, and 11.2 weeks in Jackson. He said that these times are well within acceptable limits and are typical for such cases, reflecting the priority the TBI places on processing these cases.

Mayor BROWN said she thinks the state's greatest need is workforce expertise and asked whether the educational offerings in our state prepare people for these jobs. She also asked how the state's turnaround times compare to other states. Director LYTTLE said considering the Memphis study findings and anecdotal conversations with other people across the country, he thinks we are in a similar situation as other states. Regarding education, he said it takes a long time to train individuals in forensic science, and TBI has had conversations at the national level about a uniform training program that would allow forensic labs to hire individuals who are

fully trained. He said labs prefer to hire fully trained personnel, but there is currently a shortage—graduates from college are not completely prepared for the job, and it often takes a couple of years to properly train them.

In response to Mr. PEACH's question about joining medical examiner forensics with the crime labs throughout the state because of the high cost to counties, Director CRUMP said DA offices are usually served by the regional forensic centers, and he wouldn't suggest adding to TBI's workload. Although he agrees that the cost is a challenge for counties, he believes the issue cannot be resolved by merging the medical examiners offices with crime labs, and the current separation between the two works effectively. Director LYTTLE said he agrees—medical examiners and crime labs serve different populations, and it's better for them to remain distinct. Many cases that medical examiners handle do not involve a crime and do not belong in a crime lab.

### **3. Public Chapter 1013 (Vendor Compensation for Sales and Use Tax Collection)—Draft Report for Review and Comment**

Senior Research Associate Michael STRICKLAND presented the draft report on Public Chapter 1013, Acts of 2024, for review and comment. He described two contrasting interpretations of businesses' role in sales tax collection, which differ as to whether businesses are fundamentally tax collectors or taxpayers of the tax and therefore whether they are owed compensation for remitting it to the state. He said there is no evidence that decisively recommends one of these interpretations over the other; however, if the state were to opt for vendor compensation, the draft report recommends applying tiered rates and a cap, such as has been used in the past and by most states that have vendor compensation, so as to both ensure that vendor compensation is appropriate for businesses of different sizes and does not create a windfall for larger businesses, and that it does not leave the state with a revenue shortfall. Dr. STRICKLAND said the final report will be presented at the January 2025 meeting.

Dr. STRICKLAND said, because of uncertainty about the ramifications of excluding sales tax from the calculation of payment card transaction fees—which might extend to requiring significant changes to card processing equipment or banks raising the costs of services for their customers—and because there is a lawsuit currently ongoing in Illinois arguing that such a regulation at the state level is preempted by federal law, the draft report recommends Tennessee refrain from taking any action on card transaction fees until more information is available from the test case in Illinois.

### **4. Public Chapters 934 and 938, Acts of 2024 (Child Care Business Regulations and Workers)—Draft Report for Review & Comment**

Research Manager Bob MOREO presented the draft report on Public Chapters 934 and 938, Acts of 2024—on issues affecting the child care workforce and the availability and affordability of child care in Tennessee. He said the draft report includes recommendations for areas where cooperation and coordination between state and local government and child care operators could be beneficial. It also recommends changes that could be made to some state and local regulations without endangering the health, safety, and welfare of children and the community

and recommends possible opportunities to improve compensation and encourage the retention of child care workers and ways to increase state support for child care businesses.

Mr. MOREO said child care facilities and programs in Tennessee are governed primarily by two state agencies: the Tennessee Department of Human Services (DHS), responsible for non-school-based child care in homes and child care centers, and the Tennessee Department of Education (DOE), responsible for early childhood education programs and school-age before and aftercare programs in public and private schools. He said the State Fire Marshal's Office (SFMO) also plays a role in regulating child care, reviewing building plans and conducting fire safety inspections for both DHS and DOE. Mr. MOREO said staff heard from stakeholders that more opportunities are needed for child care providers to share feedback with DHS staff and that building code and fire safety requirements are frequently the source of confusion and delay during the pre-licensing process. He said the draft report includes a recommendation that DHS reestablish regular regional meetings with child care providers and SFMO staff, which DHS and the SFMO have agreed to do.

Mr. MOREO said differences between DOE and DHS rules for school-age extended care programs have led to delays in getting approval for programs run by outside agencies, and that the draft report includes a recommendation for DHS to align fire code inspection requirements for before- and after-school programs operated by non-school entities in schools with DOE's requirements for such programs run by the schools themselves. He said DHS told staff they agree with this recommendation.

Mr. MOREO said building and fire code inspections at the state and local level should be further coordinated. While the SFMO has assumed responsibility statewide for reviewing building plans and inspecting all child care facilities for DHS licensing purposes, local fire marshals in communities with stricter building and fire codes continue to perform their own reviews and inspections to ensure compliance with locally-adopted codes and emergency response planning. He said this has created some confusion for child care businesses, so the draft report includes a recommendation that the SFMO invite local fire marshals' offices to coordinate their initial inspections, and a recommendation that local jurisdictions should ensure their pre-occupancy inspections are coordinated with state pre-licensing inspections.

Mr. MOREO said that local zoning policies are sometimes more stringent than state licensing requirements, and in some jurisdictions, zoning requirements are stricter for child care facilities than for similar uses like schools and churches. He said the draft report includes a recommendation that local governments align zoning for child care businesses with zoning for schools and churches, and for local governments to review their zoning ordinances for restrictions like the examples given in the draft report. He said there are also instances where local building and fire codes establish stricter requirements than the state for child care facilities, and sometimes the local building permit process is more costly and time consuming than the process required by the SFMO's process for DHS pre-licensing approval. He said local officials should take into consideration the effect of local codes, especially when they are more restrictive than state standards, and the draft report includes a recommendation for local governments to align building and fire codes with state standards wherever appropriate.

Mr. MOREO said child care business owners are concerned about attracting and retaining workers because of low wages, but raising wages would require raising prices, which families in their communities can't afford. He described the Child Care WAGE\$ Tennessee program—an education-based salary supplement program designed to reward child care workers for continued higher education. But according to interviews with child care directors, many experienced workers aren't interested in pursuing higher education. Mr. MOREO said some would like to see a program that targets bonuses to child care workers for longevity without requiring higher education credentials, and the draft report includes examples of similar programs in other states. He said the draft report recommends developing a program like Child Care WAGE\$ to reward child care workers in Tennessee for years of service and incentivize commitment to a career in child care.

Mr. MOREO said an existing requirement for public school districts to inventory their underutilized and vacant properties helps public charter schools by making surplus properties available to them. He said that child care operators might also benefit from priority access to these types of surplus properties, and the draft report includes a recommendation that the General Assembly amend current law to give child care providers the same opportunity as public charter schools to purchase or lease underutilized or vacant public-school properties.

Mr. MOREO explained how Tennessee utilized federal American Rescue Plan Act funds to offer expansion and enhancement grants for child care businesses. He said an additional way the state could support child care businesses would be to include them among the types of service-sector businesses exempt from paying the state's business tax, and the draft report includes a recommendation for the General Assembly to eliminate state and local business taxes for child care businesses, and provide affected local governments with a base amount of annual funding equal to what they received in local business tax revenue from child care providers in fiscal year 2023-24.

Senator Heidi CAMPBELL asked whether the WAGE\$ program was all federally funded, and whether other states use federal funds for longevity bonus programs. Mr. MOREO said WAGE\$ is federally funded through the Child Care Development Fund (CCDF), and each state determines, within federal guidelines, how to spend its CCDF allocation. He said Virginia used a preschool development grant to start its teacher recognition program and Georgia is investing state dollars in its workforce bonus program. Senator CAMPBELL also asked how Tennessee's child care wages compared to other states' wages. Mr. MOREO said child care wages are low in all states and that Tennessee ranks near the bottom. He said wages in other industries are also lower in Tennessee, compared to other states, so wages for child care workers are comparable. Senator CAMPBELL said along with housing affordability, affordable child care is a crucial issue for the state to address.

Senator Charlane OLIVER, who sponsored legislation that directed the commission to study child care workforce issues, was recognized by Senator CAMPBELL and invited by Vice Chairman Kevin BROOKS, to address the commission. Senator OLIVER said support for child care is a workforce issue and the commission's draft report includes what seem to be some easy fixes, and that a comprehensive approach should also include investments.

Senator Jeff YARBRO spoke about a mixed-use development in Nashville where child care was difficult to include because of the complexity it added to the project and wanted to know whether other states have successfully removed barriers to make it easier for developers to meet the need for more child care. Mr. MOREO said the International Building Codes adopted by states and local jurisdictions are very careful about fire safety standards where very young children are included, because they can't evacuate themselves in an emergency. He said those standards drive up costs, and separating different types of occupancies in mixed-use buildings can be complicated. Mr. MOREO said he didn't know of any states that have modified building codes for child care projects, but staff will follow up for more information about this project. [Note: Staff spoke with Senator YARBRO regarding the project at the conclusion of the meeting.]

Senator YARBRO asked whether there are ways to change how the state uses CCDF funds and reimbursement certificates that could improve the supply of child care. Mr. MOREO said most child care providers accept certificates and that participating in the program doesn't seem to be difficult for them, but the overall shortage of child care openings prevents families from utilizing this assistance. Senator YARBRO asked whether the certificates cover the true costs of providing service. Mr. MOREO said that DHS has increased reimbursement rates and added further increases for infant and toddler care. He said providers with higher quality ratings get reimbursed more to account for higher costs, and that reimbursement rates seem generally in line with prices reported in DHS market rate studies, targeting the 60th percentile for each age group and type of care. Senator YARBRO asked that the final version of the report consider options within the CCDF to use cost analysis to set reimbursement rates and for expanding shared services to reduce providers' operating costs. [Note: Staff added a section to the draft final report on determining payment rates for CCDF assistance including options for using cost analysis to set payment rates and added two paragraphs in the shared services section.]

Senator Bo WATSON asked whether there are work requirements for parents to participate in the certificate assistance program. Mr. MOREO said parents must be income-eligible and either employed or actively seeking work. [Note: Parents may also attend a job training or educational program instead of or in addition to employment or seeking work.] Mayor Larry WATERS said large companies have the resources to provide on-site child care facilities, but small businesses typically don't. He asked whether staff found any examples of collaborative organizations in other states where small businesses can come together to provide child care for employees. Mr. MOREO said he wasn't aware of any similar programs in other states, but said staff would investigate and provide any examples they find in the final report. [Note: Staff included an example from North Dakota in the draft final report.]

Mayor BROOKS said he knew of a new manufacturing facility providing on-site child care, and that it has helped them attract new employees. He said tax credits might be used to help companies provide child care and Mayor Rogers ANDERSON said he agreed. Mayor ANDERSON said tax credits and tax freeze programs for veterans and persons with disabilities could be possible models. He suggested speaking with county trustees to see whether those models could be applied to child care. [Note: Staff added a paragraph about this idea in the draft final report.]

## **5. Senate Bill 2487/House Bill 2616 (School-Based Services and TennCare Reimbursement)—Draft Report for Review and Comment**

Director of Policy Matt OWEN presented the draft report on school-based services and TennCare reimbursement for review and comment. The draft was prepared in response to an April 2024 request from Senator Lundberg, Representative White, and Representative Sherrell, who, having been made aware of an unresolved contract issue preventing one school district from seeking reimbursement from TennCare for school-based health services, sent a letter to Chairman Yager requesting that the commission review the problem and assist the parties in reaching a resolution.

Dr. OWEN said there is general agreement among stakeholders on a possible pathway forward involving the development of a contract addendum that could be used with school districts. In particular, TennCare has agreed that a contract addendum could help resolve the issues raised, and TennCare committed to exploring the creation of an addendum in conjunction with the managed care organizations (MCOs). Because TennCare's proposed course of action aligns with what the commission would have recommended, the draft, in lieu of a formal recommendation, includes a statement that the commission supports the development of a contract addendum for MCOs to use with school districts. Dr. OWEN said TennCare has discussed contract modifications with both Knox County Schools and BlueCare—one of the state's MCOs—and BlueCare has drafted a contract addendum. According to TennCare staff, BlueCare anticipates sharing this addendum with Knox County in early 2025, following BlueCare's internal legal review.

In response to Senator Heidi CAMPBELL's question about the specific contract issues raised by school districts, Dr. OWEN said that according to the attorney for Knox County Schools, one example is that terms and conditions in the contracts appear to obligate the districts to provide prenatal services, which involves a level of medical care that schools aren't capable of. Senator CAMPBELL asked whether the contract addendum would mean we don't provide prenatal services to pregnant students. Dr. OWEN said the addendum wouldn't deny care to these students; instead, Knox County Schools attorney is concerned that because schools aren't capable of providing a full suite of prenatal services, the current contracts might create liability issues for districts. Senator CAMPBELL asked to see a copy of the addendum when it became available. [Note: TennCare staff clarified following the meeting that removing this provision from the schools' contracts will not negatively affect the care pregnant TennCare members could receive either from the schools or TennCare and that the original contract language was never intended to obligate schools to provide prenatal care that a licensed healthcare facility would provide to TennCare members.]

In response to Senator Bo WATSON's question about whether school districts need to contract with MCOs if outside providers are providing care in schools, and the outside providers are billing the MCOs for the services, Dr. OWEN said that school districts only need to contract with the MCOs if the district is seeking direct reimbursement.

## **6. Public Chapter 937, Acts of 2024 (Youth Vaping)—Draft Report for Review and Comment**

Senior Research Associate Jennifer ARZATE presented the commission's draft report on Public Chapter 937, Acts of 2024, for review and comment. Ms. ARZATE outlined the report's four recommendations: require all purchasers to present identification, regardless of age (i.e., universal carding) for all vapor product sales, require licensing of vapor product retailers, increase consistent and recurring funding for the Tennessee Department of Health's Tobacco Use Prevention and Control Program, and require schools to report more specific substance abuse data, including vaping offenses, to the Tennessee Department of Education for their annual discipline reports.

Vice Chairman Kevin BROOKS said vaping has been affecting the community, particularly youth in Cleveland City Schools. He said there have been improvements in enforcement because of stronger legal measures and the efforts of local district attorneys; however, the vaping industry is the "Wild West," lacking regulatory oversight. Mayor BROOKS said there is an alarming trend of students in Cleveland transitioning from flavored vaping products to Delta-8 and Delta-9 tetrahydrocannabinol and cannabidiol products. He said he heard that a student in Bradley County Schools experienced a severe reaction to inhaled substances, raising the question of whether the products are safe for our children.

County Clerk Mary GAITHER said, if licensing were enacted, she recommended that counties establish vape boards, similar to beer boards, to handle violations. Mr. Jeff PEACH said, in Smyrna, businesses that were not following the state's rules for bath salts were disciplined through their beer permits. [Note: After the meeting, County Clerk GAITHER said there may need to be a separate board for vapes because many vape shops don't sell beer.]

Senator Heidi CAMPBELL said health advocates do not support a flavor directory and would like to have that removed from the report. [Note: This has been removed from the final report.]

Mayor Terry FRANK said, when considering a tax on vapor products, the General Assembly should consider parity with tobacco products, whether the products are derived from tobacco, and nicotine content. Ms. ARZATE said that not all vapor products contain nicotine. Mayor Paige BROWN said she thinks data will show there are health risks of inhaling substances like nicotine and other chemicals. She said there is a high prevalence of vaping businesses in a lot of communities, and there is potential to help the businesses meet the standards of their communities.

Following discussion of the next meeting date, Vice Chairman BROOKS adjourned the meeting at 10:35 a.m.