



State of Tennessee
Bureau of Workers' Compensation
220 French Landing Drive, 1-B
Nashville, Tennessee 37243-1002
WC.Info@tn.gov

2019 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 2019 session of the 111th General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to www.capitol.tn.gov.

MAXIMUM & MINIMUM BENEFIT CHANGES

Temporary Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2019 through June 30, 2020 is \$1,056.00, or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2019 through June 30, 2020 is \$960.00, or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2019 through June 30, 2020 for both temporary and permanent benefits is \$144.00.

FIREFIGHTER CANCER PRESUMPTION

Public Chapter 490 (SB1442 by Bailey/HB0316 by Hicks):

- Creates a presumption that certain conditions or impairments of full-time firefighters caused by certain cancers occurred in the course of employment unless the contrary is shown by competent medical evidence.

Governor Lee signed Public Chapter 490 into law on May 24, 2019, and it becomes effective July 1, 2019.

DRUG-FREE WORKPLACE

Public Chapter 373 (SB0312 by Watson/HB0389 by Helton)

- Prohibits a medical review officer from considering prescriptions issued more than six months prior to a positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized for employers to take against employees and job applicants following such a result.

Governor Lee signed Public Chapter 373 into law on May 10, 2019, and it became effective upon signing.

EMPLOYEE/INDEPENDENT CONTRACTOR

Public Chapter 337 (SB0466 by Roberts/HB0539 by Howell)

- Requires the consideration of the 20-factor test in IRS Revenue Ruling 87-41 to determine whether an employer-employee relationship exists in certain employment arrangements.

Note: Final amended version of this bill removes references to the workers' compensation law. Applies to wage regulations, TOSHA, unemployment insurance, and drug-free workplace only.

Governor Lee signed Public Chapter 337 into law on May 10, 2019, and it becomes effective on January 1, 2020.

EMPLOYEE/INDEPENDENT CONTRACTOR

Public Chapter 97 (SB0663 by Watson/HB0756 by Marsh)

- Removes the deployment, implementation, or use of a motor carrier safety improvement required by a motor carrier from being considered when evaluating a person's status as an employee or independent contractor.

Governor Lee signed Public Chapter 97 into law on March 28, 2019, and it became effective upon signing.

WORK-BASED LEARNING

Public Chapter 468 (SB1259 by Gresham/HB0740 by White)

- Replaces the department of economic and community development with the Tennessee higher education commission as the state agency charged with administering grants related to work-based learning programs; requires local school system to provide student accident insurance for volunteer interns.

Governor Lee signed Public Chapter 468 into law on May 24, 2019, and it becomes effective on July 1, 2019.

DRUGS/PRESCRIPTIONS

Public Chapter 124 (SB0810 by Reeves/HB0843 by C. Sexton)

- Makes various changes concerning the prescription of certain scheduled controlled substances.

Governor Lee signed Public Chapter 124 into law on April 9, 2019, and it became effective upon signing.