

**INDEX OF ACTS  
RELATED TO COUNTY GOVERNMENT**

**2021 EDITION**



**County Technical Assistance Service**

**INSTITUTE *for* PUBLIC SERVICE**

**...a service of The University of Tennessee**

**Prepared by  
CTAS Legal Staff**

**July 2021**

**These summaries are intended for information only and should not be relied upon for implementation purposes. The full text of all acts summarized in this publication can be viewed on the Secretary of State's website.**

# Table of Contents

<b>PART I - PUBLIC ACTS OF GENERAL APPLICATION .....</b>	<b>1</b>
<b>ALCOHOLIC BEVERAGES .....</b>	<b>1</b>
Public Chapter 59 Retail Liquor License.....	1
Public Chapter 451 Off-Premises Consumption of Alcoholic Beverages.....	1
<b>COUNTY CLERKS .....</b>	<b>1</b>
Public Chapter 55 Vehicle Title and Registration .....	1
Public Chapter 97 Registration Boat Trailers.....	2
Public Chapter 119 Marriage .....	2
Public Chapter 255 Marriage .....	3
Public Chapter 264 Hotel/Motel Tax.....	3
Public Chapter 334 Hotel/Motel Tax.....	3
Public Chapter 432 Beer .....	3
Public Chapter 496 Hotel/Motel.....	4
Public Chapter 502 Motor Vehicles, Titling and Registration.....	4
Public Chapter 579 Special License Plates .....	5
<b>COUNTY GOVERNMENT .....</b>	<b>6</b>
Public Chapter 63 Assistant Commissioners of Veterans Services.....	6
Public Chapter 106 Local Health Departments.....	6
Public Chapter 128 Public Finance.....	6
Public Chapter 131 Bond Requirements for HRAs .....	7
Public Chapter 155 Continuation of Business - States of Emergency .....	7
Public Chapter 165 Chickasaw Basin Authority .....	7
Public Chapter 182 URLTA.....	8
Public Chapter 200 Interlocal Board Members Compensation & Benefits.....	8
Public Chapter 212 Ambulance Service .....	8
Public Chapter 228 Industrial Development Corporations .....	9
Public Chapter 232 Bonds and Insurance .....	9
Public Chapter 249 Libraries .....	9
Public Chapter 256 Public Finance.....	10
Public Chapter 262 Redistricting Deadline .....	10
Public Chapter 332 Regulation of Construction Materials.....	10
Public Chapter 337 Insurance Pool - Audit .....	11
Public Chapter 339 Online Marketplaces .....	11
Public Chapter 343 Regulation of Junkyards.....	12
Public Chapter 360 Insurance for County Employees and Officials .....	12
Public Chapter 384 Right to Work.....	12
Public Chapter 393 Collateralization of Deposited Funds.....	12
Public Chapter 453 Signage for Certain Public Facilities .....	12
Public Chapter 454 Appropriations.....	13
Public Chapter 463 Human Resources Agencies.....	13
Public Chapter 472 81 Act – Conflict of Interest.....	13
Public Chapter 491 Opioid Abatement Fund .....	14
Public Chapter 506 Governmental Tort Liability Act.....	14
Public Chapter 513 COVID-19 Vaccinations .....	14
Public Chapter 534 Governmental Tort Liability Act.....	15
Public Chapter 550 County Boards of Health .....	15
Public Chapter 551 Regulation of Vapor Products.....	15

Public Chapter 574 Smoking .....	16
<b>COURTS &amp; COURT CLERKS .....</b>	<b>16</b>
Public Chapter 60 Orders of Protection .....	16
Public Chapter 184 Juvenile Delinquent Reporting to the AOC .....	16
Public Chapter 266 Interchange .....	17
Public Chapter 361 Expungement of Pardoned Crimes .....	17
Public Chapter 413 Restitution .....	17
Public Chapter 436 Juvenile Diversion and Employment .....	18
Public Chapter 446 AOC Required Data List for non-TnCIS Courts.....	18
Public Chapter 494 Assault Expungements .....	18
Public Chapter 539 Expungement Fee and Process.....	19
<b>ECONOMIC DEVELOPMENT .....</b>	<b>19</b>
Public Chapter 138 C-PACER Programs .....	19
Public Chapter 297 Housing Incentives .....	20
Public Chapter 433 JECDB.....	20
Public Chapter 582 Border Region Tourism Development Districts.....	20
<b>EDUCATION .....</b>	<b>20</b>
Public Chapter 40 School Sports .....	20
Public Chapter 77 Teacher’s Discipline Act .....	21
Public Chapter 96 Local School Authority .....	22
Public Chapter 146 Transportation Services .....	23
Public Chapter 281 Sexual Orientation and Gender Identity Curriculum .....	23
Public Chapter 398 BEP Funding.....	24
Public Chapter 589 Pupil Funding at Mental Health Facilities .....	24
<b>ELECTIONS.....</b>	<b>25</b>
Public Chapter 93 Campaign Signs.....	25
Public Chapter 292 Election Commissioner Conflicts .....	25
Public Chapter 306 Prohibition on Private Election Funding .....	25
Public Chapter 374 Tennessee Election Integrity Act.....	26
Public Chapter 419 Convenient Voting Centers .....	26
Public Chapter 487 Civil Penalties.....	27
<b>EMERGENCY SERVICES .....</b>	<b>27</b>
Public Chapter 142 Emergency Rescue Workers - Infectious Diseases .....	27
Public Chapter 424 First Responders - Health Insurance Benefits .....	27
Public Chapter 458 Assault Against a Nurse .....	28
Public Chapter 478 Volunteer Firefighter – Pay Supplement.....	28
<b>ENVIRONMENT .....</b>	<b>28</b>
Public Chapter 158 Temporary Bottle/Barrel Tax for Litter Cleanup.....	28
Public Chapter 263 Water Pollution.....	28
<b>FIREARMS .....</b>	<b>29</b>
Public Chapter 108 Unlawful Carrying or Possession of a Weapon .....	29
Public Chapter 444 Tennessee Firearm Protection Act.....	29
Public Chapter 540 Firearms Information Privacy Protection Act .....	30
Public Chapter 554 Firearms Information Privacy Protection Act .....	30
<b>HIGHWAYS .....</b>	<b>31</b>
Public Chapter 103 Off-Highway Vehicles .....	31

Public Chapter 307 Underground Utility Damage Prevention Act .....	31
<b>JAILS.....</b>	<b>32</b>
Public Chapter 236 Contraband in a Penal Institution .....	32
Public Chapter 359 Jailer Qualifications – Psychological Exam .....	32
Public Chapter 390 Transition Centers.....	32
Public Chapter 409 Community Corrections.....	33
Public Chapter 410 County Correctional Incentives Act .....	33
Public Chapter 410 Educational and Workforce Development Programs.....	34
Public Chapter 492 Juvenile Detention - Seclusion.....	34
<b>LAW ENFORCEMENT.....</b>	<b>34</b>
Public Chapter 83 Self Defense.....	34
Public Chapter 107 Missing and Endangered Children .....	35
Public Chapter 147 Illegal Use of Telecommunication Device by Minor.....	35
Public Chapter 166 Disposition of Confiscated Weapons .....	35
Public Chapter 210 Sex Offenses .....	35
Public Chapter 246 Prostitution.....	35
Public Chapter 278 Evading Arrest.....	35
Public Chapter 336 Arrest – Immunity From Suit .....	36
Public Chapter 350 Silver Alert Program.....	36
Public Chapter 355 Exculpatory Evidence – Duty to Disclose .....	36
Public Chapter 362 Protection for Rape Survivors.....	37
Public Chapter 364 Mail Theft .....	37
Public Chapter 386 DUI Offenders - Alternative Facilities.....	37
Public Chapter 395 School Violence .....	37
Public Chapter 402 Sexual Abuse of a Corpse .....	38
Public Chapter 418 Critical Infrastructure Vandalism .....	38
Public Chapter 421 Disclosure of Electronic Communications .....	38
Public Chapter 423 Attorney Fees – Forfeiture Proceedings .....	38
Public Chapter 439 Reward – Shooting Law Enforcement Officer .....	39
Public Chapter 440 Aggravated Riot .....	39
Public Chapter 462 Use of Drones .....	39
Public Chapter 489 Choke Holds - De-escalation and More .....	40
Public Chapter 520 Bounty Hunters.....	41
Public Chapter 523 Community Oversight Board .....	42
Public Chapter 580 Cruelty to Animals .....	42
<b>PERSONNEL.....</b>	<b>42</b>
Public Chapter 284 Military Service - Employment Protections .....	42
Public Chapter 410 Limitation of Liability for Employers.....	43
Public Chapter 470 Local Government Employees.....	43
Public Chapter 556 Employee Rights .....	43
<b>PLANNING.....</b>	<b>44</b>
Public Chapter 39 Subdivision Regulations.....	44
Public Chapter 300 Natural Gas Pipelines.....	44
<b>PURCHASING.....</b>	<b>44</b>
Public Chapter 196 Lease Financing .....	44
Public Chapter 234 Public Contracts and Contractors .....	45
Public Chapter 310 Purchasing Procedures .....	46

Public Chapter 527 Surplus First Responder Two-Way Radios.....	46
<b>RECORDS.....</b>	<b>47</b>
Public Chapter 201 Automatic License Plate Reader Systems .....	47
Public Chapter 242 Intentional Disruption of Governmental Operations.....	47
Public Chapter 253 Federal Law Enforcement Agents .....	48
Public Chapter 304 Fatal Motor Vehicle Accidents .....	48
Public Chapter 327 Business or Occupation License Information.....	48
Public Chapter 391 Student Incident Records .....	49
Public Chapter 447 Scanning of Permanent Records.....	49
Public Chapter 516 Personal Privacy Protection Act.....	50
Public Chapter 555 Arrested but Not Convicted Individuals.....	50
<b>REGISTERS OF DEEDS.....</b>	<b>51</b>
Public Chapter 181 Certification of Electronic Documents.....	51
Public Chapter 333 Records.....	51
Public Chapter 449 Indexing of Documents Relating to Trusts .....	51
<b>RETIREMENT .....</b>	<b>51</b>
Public Chapter 156 Entities Separating from Local Governments .....	51
Public Chapter 251 Maximum Unfunded Liability .....	52
Public Chapter 382 Prior Service With Separate Retirement System .....	52
Public Chapter 486 Correctional Officers.....	53
Public Chapter 499 Law Enforcement Officers .....	53
<b>TAXATION.....</b>	<b>54</b>
Public Chapter 70 Entertainment Productions .....	54
Public Chapter 86 Utility Pipes and Railroad Structures .....	54
Public Chapter 139 Continuing Education Courses.....	55
Public Chapter 217 Bankruptcy Stays .....	55
Public Chapter 273 Collection of Adequate Facilities Taxes.....	55
Public Chapter 285 Delayed Streamlined Sales Tax Provisions .....	55
Public Chapter 456 Food Sales Tax Holiday .....	55
Public Chapter 480 Refunds.....	56
Public Chapter 561 Economically Distressed Counties .....	56
Public Chapter 592 Gun Safe Sales Tax Holiday .....	56
<b>TAXATION – PROPERTY.....</b>	<b>56</b>
Public Chapter 383 Agricultural, Forest, or Open Space Land .....	56
Public Chapter 522 Delinquent Personal Property Taxes.....	57
<b>UTILITIES .....</b>	<b>57</b>
Public Chapter 126 Water and Wastewater Authority Commissioners .....	57
Public Chapter 127 Reimbursement Policies .....	57
Public Chapter 226 Changes in Net Position.....	57
Public Chapter 321 Competitive Sealed Proposals .....	57
<b>PART II - PUBLIC ACTS OF LOCAL APPLICATION.....</b>	<b>58</b>
<b>DAVIDSON.....</b>	<b>58</b>
Public Chapter 401 Tennessee Titans .....	58
Public Chapter 466 Tourism Development .....	58
Public Chapter 558 Nashville Fairgrounds Speedway .....	58

<b>JOHNSON .....</b>	<b>58</b>
Public Chapter 254 Full Time Sessions Judge .....	58
<b>KNOX .....</b>	<b>59</b>
Public Chapter 422 Tennessee Smokies.....	59
Public Chapter 475 Clerk Fees .....	59
<b>LAKE.....</b>	<b>59</b>
Public Chapter 488 Reelfoot Lake Regional Utility and Planning District.....	59
<b>MORGAN .....</b>	<b>59</b>
Public Chapter 121 Citizens Gas Utility District.....	59
Public Chapter 123 Off-Highway Vehicles .....	59
<b>OBION.....</b>	<b>60</b>
Public Chapter 488 Reelfoot Lake Regional Utility and Planning District.....	60
<b>SCOTT .....</b>	<b>60</b>
Public Chapter 121 Citizens Gas Utility District.....	60
<b>UNICOI .....</b>	<b>60</b>
Public Chapter 123 Off-Highway Vehicles .....	60
<b>WILSON.....</b>	<b>60</b>
Public Chapter 543 Tennessee State Fair .....	60
<b>PART III - PRIVATE ACTS .....</b>	<b>61</b>
<b>ANDERSON.....</b>	<b>61</b>
Private Chapter 34 Regulation of Pyrotechnics .....	61
<b>BENTON .....</b>	<b>61</b>
<b>Private Chapter 15 Mineral Severance Tax .....</b>	<b>61</b>
Private Chapter 16 Pulpwood Severance Tax.....	61
<b>CHESTER.....</b>	<b>61</b>
Private Chapter 2 Solid Waste Disposal Fee .....	61
<b>GIBSON .....</b>	<b>62</b>
Private Chapter 3 Gibson County Special School District.....	62
Private Chapter 18 Milan Special School District .....	62
<b>GRAINGER.....</b>	<b>62</b>
Private Chapter 30 Hotel/Motel Tax .....	62
<b>HAMILTON .....</b>	<b>62</b>
Private Chapter 27 Electronic Library Committee.....	62
<b>HENDERSON.....</b>	<b>62</b>
Private Chapter 12 Hotel/Motel Tax .....	62
<b>MADISON.....</b>	<b>63</b>
Private Chapter 7 Sheriff's Civil Service Law .....	63
<b>MARION.....</b>	<b>63</b>
Private Chapter 35 Deptford Independent School District .....	63
<b>MONTGOMERY .....</b>	<b>63</b>
Private Chapter 9 Hotel/Motel Tax .....	63

<b>SMITH</b> .....	<b>63</b>
Private Chapter 26 Hotel/Motel Tax .....	63
<b>WEAKLEY</b> .....	<b>64</b>
Private Chapter 22 Building Permits .....	64
<b>WILLIAMSON</b> .....	<b>64</b>
Private Chapter 6 Franklin Special School District .....	64

**PART I - PUBLIC ACTS OF GENERAL APPLICATION**

**ALCOHOLIC BEVERAGES**

**Public Chapter 59**  
SB 293 - HB 377

**Retail Liquor License**

Amends 57-3-204(b). Removes the residency requirements for a person applying for a retail liquor license.

Effective March 29, 2021.

**Public Chapter 451**  
SB 681 - HB 241

**Off-Premises Consumption of Alcoholic Beverages**

Amends Title 57, Chapter 4, Part 1. Authorizes a restaurant, limited service restaurant, or wine-only restaurant licensed under Chapter 4 to offer drive-through, pickup, and carryout orders of alcoholic beverages and beer at the licensee's place of business if the sale of alcoholic beverages and beer for consumption off the licensee's premises: (1) Is accompanied by the sale of prepared food in the same order; (2) Is packaged in a bottle or can with a secure cap or in a container that is secured by tape which secures the lid, covers any openings in the lid, and which would show that it has been opened; and (3) Consists of, per purchase, not more than: A single serving of alcoholic beverages, not to exceed sixteen fluid ounces, or beer as authorized by the local beer board; or a container of wine that may be lawfully sold within this state. Does not authorize a licensee to sell bottles of distilled spirits. Provides that this is only effective in jurisdictions that have passed referenda authorizing the retail sale of liquor and the sale of liquor by the drink under Tennessee Code Annotated, Title 57.

Effective May 14, 2021. Terminates on July 1, 2023, and the law in effect prior to this act's effective date must be restored.

**COUNTY CLERKS**

**Public Chapter 55**  
SB 110 - HB 40

**Vehicle Title and Registration**

Amends Title 55, Chapter 21 and Title 55, Chapter 4, relative to Tennessee Vehicle Title and Registration System (VTRS) database. Enacts the "2021 Precious Cargo Act" which establishes procedures for citizens with intellectual or developmental disabilities or a medical condition to communicate specific needs to law enforcement and first responders.

Effective January 1, 2022.

**Public Chapter 97**  
SB 165 - HB 107

**Registration Boat Trailers**

Amends Title 55, Chapter 4, Part 2. Special purpose boat transport plates may only be issued to manufacturers and dealers of boats, or businesses that transport boats for hire.

A person may operate a boat trailer without registering it if the boat trailer is only used for delivery a boat to a customer and the boat trailer displays the special purpose boat transport plate issued to the manufacturer, dealer, person, or business.

A dealer, manufacturer, or business that operates a trailer to deliver boats, either in person or through an authorized agent, employee, or lessee may apply with any county clerk in this state for special purpose boat transport plates.

The fee for the first plate is \$47.30 and \$23.65 for each additional plate.

The special transport plates expire each year on May 31. New plates may be obtained by applying with the register of motor vehicles. Issuance begins each year on May 1 of each year upon payment and proof the applicant is still engaged in the business of manufacturer or dealer of boats or a person or business that transports boats for hire.

A business license is not required as proof that the person or business transports boats for hire.

Effective July 1, 2021.

**Public Chapter 119**  
SB 309 - HB 403

**Marriage**

Amends Section 36-3-301. Members and former members of the general assembly may solemnize a marriage. A member must opt in with vital records by filing a notice stating the intention to solemnize marriages. Former members must have filed notice while serving the general assembly.

Effective April 13, 2021.

**Public Chapter 255**  
SB 509 - HB 1371

**Marriage**

Amends Title 8, Chapter 16 and Title 36, Chapter 3, Part 3, relative to marriage. Permits notaries public to solemnize marriages.

Effective April 28, 2021.

**Public Chapter 264**  
SB 852 - HB 918

**Hotel/Motel Tax**

Amends Title 7, Chapter 4 and Title 67, Chapter 4.

Redefines "short-term rental unit marketplace" as follows: "Short-term rental unit marketplace" means a person or entity, excluding a vacation lodging service, that provides a platform for compensation, through which a third party offers to rent a short-term rental unit to an occupant.

Defines "vacation lodging service" as follows: "Vacation lodging service" means a person or entity that is engaged in the business of providing the services of management, marketing, booking, and rental of short-term rental units.

Vacation lodging services are not responsible for collecting and remitting hotel/motel taxes.

Effective April 30, 2021.

**Public Chapter 334**  
SB 576 - HB 856

**Hotel/Motel Tax**

Amends the definition of "hotel" in 67-4-1401(2) to include privately, publicly, and government owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds.

Effective July 1, 2021.

**Public Chapter 432**  
SB 177 - HB 189

**Beer**

Amends Title 57, Chapter 5, relative to distribution of beer. A manufacturer not brewing more than 25,000 barrels of beer annually and operating as a retailer may self-distribute beer to retailers in the county in which the manufacturer is located. The manufacturer can self-distribute outside the county if it self-distributes not more than 1,800 barrels of beer annually.

A manufacturer shall: (i) certify the total volume of annual self-distribution as required by 57-6-105; (ii) collect and pay all taxes as required by 57-5-201 and 57-6-103; and (iii) register

with the commissioner of revenue as a wholesaler pursuant to 57-5-102 and comply with the requirements of licensing as a wholesaler.

Effective October 1, 2021.

**Public Chapter 496**  
SB 1030 - HB 1030

**Hotel/Motel**

Amends Titles 5, 6, 7, 13, 67, and 68 relative to accommodations for transients.

A city, town, or county may levy, modify, or repeal a privilege tax for occupancy in a hotel by ordinance or resolution subject to the following restrictions: (i) the tax must not exceed 4% of consideration charged to the transient; (ii) subject to other provisions discussed below, a privilege tax authorized before the effective date of this act that exceeds the limit remains in full force and effect; and (iii) this does not void or modify a private act, ordinance, or resolution authorizing the levy of the privilege tax.

Amends 67-4-1403 to require the revenue received by the county to be used for tourism purposes. However, a tax levied before the effective date of this bill may continue to use the revenue in the manner described in the private act, resolution, or ordinance.

Deletes section 67-4-1425 in its entirety.

Amends Title 67, Chapter 4, Part 14 by requiring that a city, town, or county shall not change the use of revenue of a preexisting tax except for tourism purposes.

A city, town, or county shall not adopt a tax under this part unless it repeals the preexisting authorization.

Effective July 1, 2021.

**Public Chapter 502**  
SB 1270 - HB 1360

**Motor Vehicles, Titling and Registration**

Amends 55-4-105 relative to fees for service and handling mail orders of plates and decals. Increases the amount, from \$4.00 to \$5.00, that may be charged by each county clerk for the service of handling mail orders of registration plates.

Effective July 1, 2021.

**Public Chapter 579**  
SB 138 - HB 123

**Special License Plates**

Amends Title 55, Chapter 4 relative to special license plates. Specifies design standards, specifies how proceeds are to be allocated and used, grants additional time for certain plates to meet minimum order requirements, and revises other special plate provisions.

Authorizes special license plates for various organizations provided below:

- Hampton University;
- The Compassionate Friends;
- Sherriff's and Police Activities League of Memphis and Shelby County;
- Millennial Debt Foundation;
- Legislator Emeritus (only specifies design standards);
- The Equity Alliance;
- Veteran Plates (only specifies design standards and requires appropriate proof of service to receive plates)
  - Vietnam Veterans
  - Korean Veterans
  - Desert Storm Veteran
  - Bosnia Veteran
  - Operation Iraqi Freedom
  - Operation Enduring Freedom
  - Operation New Dawn
  - Somalia Veteran
  - Operation Inherent Resolve;
- Chattanooga;
- Chattanooga Football Club;
- The Ohio State University;
- CASA;
- Army ranger (requires extensive proof of service to receive plates);
- Drive Electric Tennessee;
- Tiger Haven;
- TenneSEIA;
- Dyslexia Awareness;
- Cystic Fibrosis Awareness;
- Natural Gas Fuels Tennessee;
- The Volunteer State;
- Honor the Fallen;
- Wilson County Place to Be;
- Nashville Cares; and
- Service Dogs.

The following organizations have until July 1, 2022 to meet minimum issuance requirements:

- Tennessee Chamber of Commerce;
- Mothers Against Drunk Driving;
- Big Brothers Big Sisters;
- RECYCLE;
- Enjoy the Ride;
- Service Dogs Changing Lives; and
- African American Breast Cancer Awareness.

Effective July 1, 2021.

## **COUNTY GOVERNMENT**

### **Public Chapter 63**

SB 763 - HB 769

### **Assistant Commissioners of Veterans Services**

Amends 58-3-106 to remove requirement that assistant commissioners or service officers appointed by the commissioner of veterans services must have served in a war.

Effective March 29, 2021.

### **Public Chapter 106**

SB 1368 - HB 1163

### **Local Health Departments**

Amends 68-2-601 to prohibit county boards of health and county health departments from regulating agriculture, as defined in 1-3-105.

Effective April 7, 2021.

### **Public Chapter 128**

SB 539 - HB 657

### **Public Finance**

Amends 7-34-111 relative to municipal revenue anticipation notes. Amends 7-86-114 to provide that review or approval by the comptroller's office is not required for bonds or notes of the emergency communications district issued by FHA or any other direct lending department of the federal government. Amends 9-21-105(4) to revise the definition of "certain unfunded pension obligations." Amends 9-21-105 (21)-(23) to revise the definitions of "public works project," "refinancing," and "refunding bonds." Also amends 9-21-105 to include a definition of "mandated project." Amends 9-21-127 to delete subsection (b) relative to issuance of bonds for certain unfunded pension obligations. Amends 9-21-132 to delete subsections (a) and (b) relative to the private sale of bonds. Amends 9-21-134(a) to revise the definitions in the section.

Amends 9-21-134(b) to provide that the state funding board may include any exemptions from filing requirements in its model finance transaction policies it deems necessary. Amends 9-21-134(c) and (d) to revise disclosure requirements and procedures. Amends 9-21-205 to provide that the governing body is not required to adopt an initial resolution for general obligation bonds if the bonds are being issued for a mandated project or a school project. Amends 9-21-408 to revise the provisions relating to internal loans. Amends 9-21-601 through 9-21-612 to revise the procedures for issuing capital outlay notes. Enacts a new subsection (e) at 9-21-901 relative to modifications of outstanding obligations. Amends 9-21-1001(b) to add “elimination or mitigation of risk due to interest rate changes” to the list of findings a governing body must make before it can issue revenue refunding bonds. Amends 12-10-116(b) to delete the provision relating to converting capital outlay notes into loans.

Effective April 13, 2021.

**Public Chapter 131**  
SB 599 - HB 1019

**Bond Requirements for HRAs**

Amends 13-26-110(a) to authorize HRAs to obtain a policy of insurance in lieu of a surety bond.

Effective April 13, 2021.

**Public Chapter 155**  
SB 474 - HB 855

**Continuation of Business - States of Emergency**

Enacts the “Business Fairness Act.” Provides that during the existence of a state of emergency declared pursuant to Title 58, Chapter 2, a business entity may continue or resume its business if the business entity complies with safety precautions and guidelines issued by the governor, state department or agency, or a county or municipal governing body or agency acting in accordance with Title 58, Chapter 2, or any executive order, proclamation, or rule issued pursuant to this Title 58, Chapter 2, to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event, or the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.

Effective July 1, 2021.

**Public Chapter 165**  
SB 276 – HB 517

**Chickasaw Basin Authority**

Amends 64-1-212 to specify that title 64, chapter 1, part 2 applies to all counties within the drainage area of the Chickasaw Basin Authority and that prior to participating in

the programs established in part 2, such counties must pass a resolution expressing their desire to participate and those resolutions must then be approved by the Authority's board of commissioners.

Effective April 20, 2021.

**Public Chapter 182**  
SB 895 - HB 716

**URLTA**

Amends 66-28-102 to specify the entire field concerning regulation of landlords and tenants is occupied and preempted by the provisions in Title 66, chapter 28 and counties covered by those provisions are prohibited from adopting local regulations. Also amends 66-28-102(a) to provide that the chapter only applies to counties with populations over 75,000 according to the 2010 federal census.

Effective July 1, 2021.

**Public Chapter 200**  
SB 614 - HB 205

**Interlocal Board Members Compensation & Benefits**

Amends 5-16-103 to allow a board created pursuant to the Interlocal Cooperation Act, which was formed for the purpose of providing service to two or more counties, to increase member compensation to \$300 a month. Also allows the board to authorize the participation in a group medical insurance plan and group life insurance plan or reimburse members for premiums paid for similar plans.

Effective April 22, 2021.

**Public Chapter 212**  
SB 1597 - HB 719

**Ambulance Service**

Amends 7-61-101 *et seq.* Provides that a county governing body is authorized and directed to make provisions to ensure that at least one licensed ambulance service is available within the county. This may be provided as a county service, but can also be accomplished through other means, including, but not limited to providing a license or franchise to a private company; contracting with a public, private, or nonprofit entity for the service; entering into an interlocal agreement with one or more local governments; or entering into an agreement with a hospital or other healthcare facility. A county is not required to appropriate county revenues for ambulance service if the service can be provided by any other means.

Effective April 22, 2021.

**Public Chapter 228**  
SB 787 - HB 831

**Industrial Development Corporations**

Amends 7-53-301. Provides that each director of an industrial development corporation board shall complete a conflict of interest statement acknowledging that the director has received a copy of 12-4-101. The statement must include acknowledgements that the director understands that the director is required to refrain from voting on matters in which the director is directly interested and that the director must disclose any matter in which the director is indirectly interested before voting on the matter.

Effective July 1, 2021.

**Public Chapter 232**  
SB 1261 - HB 1097

**Bonds and Insurance**

Amends 8-19-101. Provides that a county that has elected to self-insure its liability under the Tennessee Governmental Tort Liability Act may elect, by resolution adopted by two-thirds vote of its governing body, to self-insure its risk of loss instead of obtaining the bonds or insurance under the same terms as bonds or insurance. A county making such an election must file a copy of the resolution in the office of the register of deeds.

Effective April 22, 2021.

**Public Chapter 249**  
SB 311 - HB 404

**Libraries**

Amends 10-3-103 to provide that library board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service. Provides that in counties or cities having a population of more than 400,000 (in which the mayor has assumed the powers of the library board) the terms of advisory board members must be as established for regular board members except they may serve as many consecutive terms as stated in their bylaws.

Amends 10-5-101 to provide that the regional library system is composed of such regional offices as the secretary of state may establish. Provides that the secretary of state may establish criteria for joining and for continuing participation in the regional library system. Local public libraries meeting such criteria may join or leave the regional library system by vote of the county commission or city governing body.

Provides that a city in a county not participating in a region may, with approval by the secretary of state, join the state regional library system as related to state purchasing contracts. The secretary of state shall assess fees against participating

cities for any additional cost of services under the state contracts. Provides that counties and municipalities may appropriate funds for this purpose.

Deletes all other provisions in Title 10, Part 5, Chapter 1 relative to regional libraries.

Effective July 1, 2022.

**Public Chapter 256**  
SB 534 – HB 652

**Public Finance**

Amends 4-3-305(b) to include private acts on budgeting and to authorize the comptroller to provide guidance manuals for local governments. Amends 7-82-501(e) relative to utility district bonds and notes. Amends 9-21-403 to revise the provisions relating to budget estimates, balancing the budget and the submitting the budget to the comptroller. Amends 9-21-404 to provide if a budget is either not approved by the comptroller or his designee or not submitted to the comptroller or his designee within two (2) months of the beginning of the fiscal year, then public entities may not issue debt or financing obligations until the comptroller or his designee has approved the budget unless the comptroller or his designee waives the requirement of budget approval in order to allow the public entity to enter into emergency financial transactions. Amends 68-221-611 relative to water and wastewater treatment authority bonds. Amends 68-221-1306(c) relative to regional water and wastewater treatment authority budgets. Amends 68-221-1311 relative to negotiable bonds of regional water and wastewater treatment authorities.

Effective April 28, 2021.

**Public Chapter 262**  
SB 786 - HB 853

**Redistricting Deadline**

Amends 5-1-111 to provide that the January 1, 2022 deadline for county commissions to redistrict may be extended in the discretion of the comptroller of the treasury based on the United States census bureau delay in releasing the results of the 2020 federal census.

Effective April 28, 2021.

**Public Chapter 332**  
SB 631 – HB 749

**Regulation of Construction Materials**

Amends 68-120-101 to authorize local governments to adopt regulations pertaining to construction materials. Provides any such proposed regulations must appear as a separate item on

the agenda and notice of the meeting at which such regulations will be considered must contain a certain statement set out in the section. Provides regulations must be adopted as a separate vote. Any modifications to the regulations must be adopted in the same manner. Provides regulations cannot prohibit materials approved by a national building code or the state fire marshal. Provides regulations must allow for waivers.

Effective May 4, 2021, for purposes of local governments adopting regulations relating to construction materials.  
Effective September 1, 2021, for all other purposes.

**Public Chapter 337**  
SB 240 - HB 1049

**Insurance Pool - Audit**

Amends 10-7-503 and 29-20-401. Revises public record provisions regarding certain entities. Requires that the insurance pool, special fund, and reserve fund created by a governmental entity and any entity administering such funds must be audited annually by the Comptroller of the Treasury.

Effective May 4, 2021.

**Public Chapter 339**  
SB 872 - HB 1336

**Online Marketplaces**

Enacts a new section in Title 5, Chapter 1, Part 1 to prohibit counties from regulating the operation of an online marketplace or requiring an online marketplace to provide personally identifiable information of users without an administrative subpoena or court order.

Defines "online marketplace" to mean a person or entity that: (1) provides for consideration a medium through which a good or service in this state is advertised to the public as available; and (2) provides a platform for goods or services by performing the following: (A) providing a payment system that facilitates a transaction between two platform users; (B) transmitting the offer or acceptance of a transaction between two platform users; (C) owning or operating the infrastructure that brings two or more users together; (D) providing a virtual currency that users are allowed or required to use to transact; or (E) providing software development or research and development activities related to any of the activities described.

Effective May 4, 2021.

**Public Chapter 343**  
SB 1364 – HB 1558

**Regulation of Junkyards**

Enacts a new section at title 5, chapter 1, part 1 to authorize counties to regulate junkyards so long as such regulations are at least as stringent as regulations promulgated pursuant to the authority contained in the Junkyard Control Act of 1967 (title 54, chapter 20, part 1).

Effective May 4, 2021.

**Public Chapter 360**  
SB 989 - HB 1365

**Insurance for County Employees and Officials**

Deletes 8-27-507 and 8-27-608. Enacts 8-27-901 – 909. Revises the provisions governing a county's, right of subrogation under the local authority's group life, hospitalization, disability, or medical insurance plan.

Effective July 1, 2021.

**Public Chapter 384**  
SB 1573 – HB 37

**Right to Work**

Enacts a new section at title 50, chapter 1, part 2, to provide that a local governmental entity or the executive head of a local government shall not, by executive order, ordinance, or resolution, create categories or classes of nonessential businesses, trades, professions, or industries for the purpose of suspending lawful commerce, encumbering trade, or denying citizens the right to work if such activities are otherwise lawful in this state, unless an explicit order of the local fire marshal or a court of competent jurisdiction declares that the business operating poses a clear and present danger to the citizenry of this state.

Effective May 11, 2021.

**Public Chapter 393**  
SB 1406 – HB 505

**Collateralization of Deposited Funds**

Enacts a new section at 9-4-504 to provide that a qualified public depository that accepts any public deposit between May 1, 2021, and December 31, 2022, that would increase its collateral by twenty-five percent (25%) must deposit additional collateral to secure such increase within ten (10) calendar days of the deposit.

Effective May 11, 2021.

**Public Chapter 453**  
SB 1224 – HB 1182

**Signage for Certain Public Facilities**

Enacts a new section at title 68, chapter 120, part 1 to require public entities that operate facilities open to the public and that

allow members of either biological sex to use any public restroom within the facilities to post a notice of such policy at the entrance of each public restroom in the facility.

Effective July 1, 2021.

**Public Chapter 454**  
SB 912 – HB 1153

**Appropriations**

Makes appropriations for the fiscal year beginning July 1, 2020. Creates a \$100M Local Government Grants fund for counties and cities in the COVID-19 recovery effort. Local governments will receive the fund directly, without the need to file a plan for the use of the funds. The disbursement is \$54,717,041 for counties, and \$45,282,959 for municipalities. Grants may be used for nonrecurring expenses only and must be spent by June 30, 2022. The funds must be used for non-recurring expenditures. The budget, as adopted, also provides that the funds are to be distributed to cities and counties no later than July 31, 2021. Provides \$100M for high-speed broadband access. Creates a \$250M investment in Mental Health Trust Fund. Provides \$145M for air and rail transportation infrastructure. Includes \$50M to provide a week-long sales tax holiday on groceries and prepared food. Adds \$100M to the state “rainy day fund,” bringing that total to \$1.55B. Provides \$71M to fully fund the state share of the BEP for K-12 education. Calls for a 4-percent raise for teacher salaries. Provides \$24M for Rural Opportunity Site Grants. Adds \$8M to expand marketing and tourism initiatives. Makes a \$250M contribution to the state’s legacy pension fund.

Effective July 1, 2021.

**Public Chapter 463**  
SB 280 – HB 622

**Human Resources Agencies**

Amends 13-26-103 to revise the provisions relating to the appointment of the board, executive committee, and advisory council. Also amends 13-26-104 to revise the powers and duties of the board. Deletes 13-26-108 as those duties are now incorporated into 13-26-104. Also amends 13-26-111 relative to oversight by the department of human services.

Effective May 18, 2021.

**Public Chapter 472**  
SB 656 - HB 616

**81 Act – Conflict of Interest**

Amends 5-21-121(a). Revises the provisions governing conflicts of interest. Removes county employees, except employees of the finance department and purchasing department. Revises the meaning of direct and indirect

interest. Makes the 81 Act more like the general conflict of interest statute.

Effective May 18, 2021.

**Public Chapter 491**  
SB 558 - HB 1132

**Opioid Abatement Fund**

Enacts a new part at Title 9, Chapter 4 to establish the opioid abatement fund, which will be the repository for any funds received by the state in connection with any opioid-related judgment, settlement, or bankruptcy recovery. Provides the fund will be an irrevocable trust to be administered by the state treasurer. Provides that thirty-five percent (35%) of these proceeds will be disbursed to counties that join the settlement and the remaining sixty-five percent (65%) of such proceeds will be disbursed for statewide, regional, or local opioid abatement and remediation purposes. Amends Title 33 to create an opioid abatement council and to provide that the council will disperse the funds in the manner set forth in the act. Amends Title 20 and Title 47 to authorize the Attorney General to settle certain opioid lawsuits to facilitate statement opioid settlement agreements.

Effective May 24, 2021.

**Public Chapter 506**  
SB 1417 - HB 798

**Governmental Tort Liability Act**

Amends 29-20-203. Provides, notwithstanding any law to the contrary, all actions, arbitrations, or other binding dispute resolution proceedings to recover damages for any deficiency in the design, planning, supervision, observation of construction, or construction of a trolley or light rail system, for injury to property, real or personal, arising out of any such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, must be brought against any governmental entity that owns, operates, or controls the trolley or light rail system within four years after substantial completion of an improvement.

Effective July 1, 2021.

**Public Chapter 513**  
SB 187 – HB 13

**COVID-19 Vaccinations**

Enacts new sections at title 68, chapter 5, part 1 to prohibit the state or any local government from requiring persons to receive a COVID-19 vaccination. Also amends 49-6-5001 to provide that it is inapplicable to the COVID-19 vaccine. Also amends 68-2-603, relative to county health departments, to provide that it is inapplicable to the COVID-19 vaccine.

Effective May 25, 2021.

**Public Chapter 534**  
SB 1606 - HB 697

**Governmental Tort Liability Act**

Amends 29-20-102. Broadens the definition of “governmental entity” under the Tennessee Governmental Tort Liability Act to include a nonprofit property owners association that: (1) Has received a determination of exemption from the IRS under the Internal Revenue Code § 501 (c)(4); (2) Maintains more than one hundred miles of roadway; (3) Owns and operates a water or sewer distribution service; (4) Appropriates funds to support a nonprofit volunteer fire department or a police department; (5) Manages trash pick-up services; (6) Funds, operates, and maintains at least one park, recreation facility, walking trail, and dog park; and (7) Is a census designated place according to the 2010 federal census.

Effective May 25, 2021.

**Public Chapter 550**  
SB 858 – HB 575

**County Boards of Health**

Amends 68-2-601 to remove rulemaking authority from county boards of health. Amends 68-2-603 to remove references to enforcement of rules promulgated by county boards of health. Also amends 68-2-609 to authorize county health officers to make rules and regulations as are necessary to protect the general health and safety of the county. Also amends 68-1-201 to define “quarantine.” Enacts a new section at title 68, chapter 5, part 1 to prohibit the state, local governments, and private businesses from requiring proof of COVID-19 vaccination.

Effective May 26, 2021.

**Public Chapter 551**  
SB 1047 – HB 705

**Regulation of Vapor Products**

Amends 39-17-1802(16) to revise the definition of “smoking” to include use of vapor products. Also amends 39-17-1802 to add definitions of “retail vapor product store” and “vapor product.” Amends 39-17-1804(3) and (9) to revise those exemptions from the prohibition on smoking to include references to vapor products. Amends 39-17-1551, relative to local regulation of smoking on public property, to include use of vapor products.

Effective July 1, 2021.

**Public Chapter 574**  
SB 28 – HB 1028

**Smoking**

Amends 39-17-1551(e) to authorize counties and municipalities, by resolution or ordinance, as applicable, to prohibit the use of tobacco and vapor products on the grounds of public parks, public playgrounds, public greenways, or any public property accessible to use by youth (persons under 21). Provides that this prohibition is not applicable to buildings, sidewalks, or roads.

Effective July 1, 2021.

**COURTS & COURT CLERKS**

**Public Chapter 60**  
SB 621 - HB 434

**Orders of Protection**

Amends 36-3-609(b). Permits service of ex parte orders of protection for up to one year from issuance.

Amends Title 36, Chapter 3, Part 6, by adding a new section that creates a lifetime order of protection that can be issued to a victim of a felony offense under Title 39, Chapter 13, Parts 1, 2, 3, or 5 against the offender who was convicted of the offense.

Effective July 1, 2021.

**Public Chapter 184**  
SB 766 - HB 783

**Juvenile Delinquent Reporting to the AOC**

Amends numerous provision in Title 37. Deletes the provisions relative to the juvenile court clerk reporting certain information to the executive secretary of the council of juvenile and family court judges and instead provides that the each juvenile court, through the juvenile court clerk or juvenile court staff, shall, each month, in a format prescribed by the administrative office of the courts, report to the administrative office of the courts certain information relative to any new delinquent case or unruly case in which a child is charged. Provides that nothing in the law mandates any change in a county's decision regarding the division of reporting responsibility between the juvenile court clerk and the youth services officer or any other juvenile court staff member.

Provides that juvenile courts shall assign each child alleged to be delinquent or unruly a unique child identification (ID) number, which the court shall use with respect to each proceeding involving that child.

Amends 37-1-164 to provide that the AOC may provide to each juvenile court having jurisdiction over a child charged with a delinquent or unruly offense the results of any validated risk and needs assessment concerning that child completed by another juvenile court; provided, that the judge or magistrate of the court having jurisdiction shall not access, review, or otherwise utilize such results before disposition.

Effective July 1, 2021.

**Public Chapter 266**

SB 886 - HB 1122

**Interchange**

Amends 16-15-209 to provide that a general sessions or juvenile judge selected to serve by interchange pursuant to 16-15-209(a)(1) in a court outside the judge's county of residence shall receive reimbursement for travel expenses from the county to which the judge travels to serve. Reimbursement shall be assessed in accordance with the standard mileage rate, maximum parking fee, maximum lodging credit, maximum meals, and incidentals credit set forth in the last published comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter. Travel expenses relative to mileage, parking, meals, and incidentals shall not exceed \$100 per day. A general sessions or juvenile judge entitled to reimbursement must submit all travel expense claims to the appropriate county official responsible for processing travel reimbursement.

Effective July 1, 2021.

**Public Chapter 361**

SB 1028 - HB 893

**Expungement of Pardoned Crimes**

Amends 40-32-101(h) to allow a person to petition for expunction of a nonviolent offense if the person has been pardoned by the governor (regardless of when the crime was committed).

Effective July 1, 2021.

**Public Chapter 413**

SB 893 - HB 870

**Restitution**

Amends 40-24-105 to provide that the following shall be the allocation formula for moneys paid into court in matters adjudicated on or after January 1, 2022: the first moneys paid in a case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes, and once litigation taxes have been

paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

Amends 40-35-304 to provide that in determining the amount and method of payment or other restitution, the court may (instead of shall) consider the financial resources and future ability of the defendant to pay or perform.

Amends 29-13-108 to extend the period to file a claim with the criminal injuries compensation fund from one year to two years.

Effective January 1, 2022.

**Public Chapter 436**  
SB 281 - HB 955

**Juvenile Diversion and Employment**

Amends 37-1-129 to prohibit judicial diversion for certain serious offenses. Amends 37-1-131 to provide that the court shall prohibit a child adjudicated delinquent for certain serious offenses from employment or volunteering that involves close and frequent contact with a minor.

Effective July 1, 2021.

**Public Chapter 446**  
SB 829 - HB 1200

**AOC Required Data List for non-TnCIS Courts**

Amends 18-1-105 to require the AOC to provide each court clerk in a county that has not installed TnCIS with a list of the data that is required under Rule 11, § II of the Rules of the Supreme Court of Tennessee or state law. The AOC and court clerks shall coordinate efforts to ensure that the court clerks submit the required data by January 1, 2022, and in an ongoing manner thereafter, pursuant to procedures established by the AOC.

Effective July 1, 2021.

**Public Chapter 494**  
SB 707 - HB 1102

**Assault Expungements**

Amends 40-32-101(g) to provide for the expungement of an assault conviction if the offense was committed prior to July 1, 2000.

Effective July 1, 2021.

**Public Chapter 539**  
SB 675 - HB 888

**Expungement Fee and Process**

Amends 8-21-401 and 40-32-101 to allow a clerk to charge a fee of up to \$100 for expungements (instead of mandating a \$100 fee).

Amends 40-6-203 to provide that prior to the examination by the magistrate of the affiant (relative to the commission of a public offense), an affiant shall prepare an affidavit of complaint in conformance with 40-6-204 and Rule 3 of the Tennessee Rules of Criminal Procedure (instead of just Rule 3).

Amends 40-6-204 to provide that the affidavit of complaint must contain instructions informing the defendant that if the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

Amends numerous provisions in 40-32-101 relative to what offenses may be expunged and the process related to the expungement.

Effective July 1, 2021.

**ECONOMIC DEVELOPMENT**

**Public Chapter 138**  
SB 795 – HB 667

**C-PACER Programs**

Enacted a new chapter at title 68 entitled "Commercial Property Assessed Clean Energy and Resilience Act" to assist owners of agricultural, commercial, industrial, and multifamily residential properties with obtaining low-cost, long-term financing for qualifying improvements. Provides that "qualifying improvements" include permanent improvements installed and affixed to commercial property to decrease energy consumption or demand; support the production of clean, renewable energy; decrease water consumption or demand; allow for reduction or elimination of lead from water used for drinking or cooking; or increase water or wastewater resilience.

Effective July 1, 2021.

**Public Chapter 297**  
SB 933 – HB 968

**Housing Incentives**

Amends 7-53-101(15) to define “project” to include incentives offered to promote the development of single-family housing pursuant to programs approved by legislative bodies of counties recognized as tier 3 or 4 counties by ECD. Also amends 6-54-118 relative to municipalities.

Effective April 30, 2021.

**Public Chapter 433**  
SB 224 – HB 155

**JECDB**

Amends 6-58-114 to provide that “community development” can include addressing issues not directly related to economic development but that hinder development, such as drug abuse and crime. Also encourages boards to include school system representatives on the board. Also provides that participating governments retain full authority to approve their contributions to the board’s budget. Also authorizes boards to exercise on behalf of constituent members any authority contained in the interlocal agreement that may be exercised separately by the constituent member. Such authority may include, but is not limited to, the authority to contract with an industrial development corporation, development district, human resources agency, nonprofit corporation, or private business to deliver services that further economic growth in the community.

Effective May 13, 2021.

**Public Chapter 582**  
SB 241 – HB 330

**Border Region Tourism Development Districts**

Amends 7-40-103(5), 7-40-104(d), 7-40-106(b) and 7-40-108 to revise all references to “thirty (30) years” to “thirty-five (35) years.”

Effective May 27, 2021.

**EDUCATION**

**Public Chapter 40**  
SB 228 - HB 3

**School Sports**

Amends Title 49, Chapter 6, Part 3 to add a new section. For purposes of participation in public middle and high school sports, requires that a student’s gender be determined by student’s sex at the time of the student’s birth as indicated on the student’s original birth certificate. Requires state and local board of education and each governing body of public charter schools to adopt and enforce policies in accordance with this section.

Effective March 26, 2021.

**Public Chapter 77**  
SB 230 - HB 16

**Teacher's Discipline Act**

Amends Title 49 and creates the "Teachers Discipline Act".

Provides that a teacher trained in evidence-based behavior supports may manage the classroom, discipline students, and refer students to the principal.

Provides that each LEA and public charter school governing body shall adopt a policy regarding a teacher's ability to relocate a student for the safety of the student or others. Allows use of justifiable reasonable force if required to relocate the student or intervene in an altercation between two students or a student and an LEA employee. The policy must be in effect on school property and at school events. The teacher must file a brief report detailing the situation and the need for a relocation of the student. Each principal must support the teacher's authority to relocate the student and implement the policies. The policy must comply with all federal and state laws, including the Individuals with Disabilities Act (20 U.S.C. § 1400 et seq.), and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

Provides that to manage behavior and ensure safety of all students, a teacher may refer a student to the principal or the principal's designee. A teacher may submit a written request to the principal to have a student removed who repeatedly or substantially interferes in class if the behavior is in violation of the school's code of conduct. Detailed documentation is required. The principal must give the student notice of the grounds for removal and an opportunity to explain the situation. Principals must respect the judgment of the teacher requesting the removal of the student and must act consistent with the discipline policy and code of conduct.

Any action taken to remove a student from the classroom must comply with the applicable policies of the LEA or charter school and must comply with the Disabilities Education Act (20 U.S.C. § 1400 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), the constitutions of the United States and Tennessee, and all applicable federal and state civil rights laws.

Principals must notify law enforcement when implementing this section as appropriate. An LEA or public charter school

governing body shall establish an appeal process for a teacher when the teacher's request to remove a student is denied.

If a teacher abuses the school removal process, the teacher may be required complete professional development courses to improve the teacher's classroom management skills.

Each school shall annually report to the director of schools or head of the public charter school, by July 1, 2022, and by each July thereafter, the number of requests submitted by teachers to remove a student from the classroom. The report must document actions taken. Each director shall compile data and issue a district wide report to the LEA by August 1 following the July 1 deadline for school reports.

The commissioner may review reports and provide training and other resources to schools and LEAs to address any needs identified by the commissioner.

On or before February 1, 2023, and on or before February 1 of each year thereafter, the commissioner shall report to the governor and general assembly implementation and compliance with the law.

Effective January 1, 2022.

**Public Chapter 96**  
SB 103 - HB 116

**Local School Authority**

Amends Title 49, Chapters 2 and 13 by adding new sections.

During an emergency as defined in § 58-2-101, local boards of education and governing bodies of a public charter school may consult with state and local health departments when determining whether to open or close in person instruction.

Notwithstanding an executive order issued by the governor or order issued by a health board or public health official, a local board of education or governing body of a public charter school has sole authority to open or close in person instruction during an emergency. A local board of education or governing body of a public charter school may delegate the authority to the director of schools or administration of the public charter school.

If, during an emergency, the governor issues an executive order with statewide applicability that requires schools to be open

for in person instruction, the executive order supersedes local authority.

Effective April 7, 2021.

**Public Chapter 146**  
SB 1116 - HB 497

**Transportation Services**

Amends Section 49-6-2101(e). Increases permitted term for employing school transportation personnel and contracting for transportation services from four (4) years to up to six (6) years.

Effective April 13, 2021.

**Public Chapter 281**  
SB 1229 - HB 529

**Sexual Orientation and Gender Identity Curriculum**

Amends Title 49, Chapter 6, Part 3. Requires LEA or charter school to notify parent or guardian at least 30 days in advance that the school is providing sexual orientation or gender identity curriculum. Parents and guardians may examine instructional materials and may discuss the curriculum with the instructor, school counselor, or principal as designated by the LEA or charter school.

A parent or guardian who wishes for a student to be excused from any portion of the sexual orientation or gender identity instruction must submit a written request to the instructor, school counselor, or principal; or the principal if the parent or guardian wishes to excuse the student from all portions of the curriculum. A student who is excused from the any or all portions of the curriculum shall not be penalized if the student satisfactorily performs an alternate assigned lesson.

An LEA or public charter school is not required to notify the parent or guardian if: (i) a teacher, principal, or other school personnel responding to a question from a student about sexual orientation or gender identity as it relates to the topic of instruction; or (ii) referring to the sexual orientation or gender identity of any historic person or public figure or when a referral is necessary to show context of the topic or instruction.

An LEA or charter school is not required to provide sexual orientation or gender identity curriculum. Instruction of sexual orientation and gender identity curriculum includes distributing materials, administering tests, surveys or questionnaires, or instruction related to sexual orientation or gender identity.

Amends 49-6-1301 by adding definitions for: “gender identity” as defined by Diagnostic and Statistical Manual (DSM-5); “parent”; and “sexual orientation”.

Effective May 3, 2021.

**Public Chapter 398**  
SB 774 - HB 777

**BEP Funding**

Amends 49-3-317 by adding the new subsection relative to funding for the 2021-2022 school year.

If LEA’s BEP calculation for the 2021-2022 is lower than calculated for the 2020-2021 school year, then the LEA’s BEP calculation for 2021-2022 must be equal to the 2020-2021 school year. The department will compare the calculations for each school year prior to adjustments to instructional salaries and wages.

The BEP calculation describe above can only be used to determine the LEA’s funding for the 2021-2022 school year.

Applies to LEAs in full compliance with school attendance and truancy intervention laws, and the state board of education’s continuous learning plan rules.

Effective May 11, 2021.

**Public Chapter 589**  
SB 449 - HB 713

**Pupil Funding at Mental Health Facilities**

Amends Title 49 relative to allocation of pupil funding at residential mental health facilities. Provides an LEA is required to allocate funding equal to the per pupil state and local funds received by the LEA to a state licensed and out-of-state residential mental health facility for the student’s stay if certain conditions are met. If funds are allocated to an out-of-state residential mental health facility, then the LEA and department of education may monitor the facility for compliance with this section, the student’s IEP, and all other state and federal laws. The funding described above is in addition to funds allocated pursuant to federal law.

Effective May 27, 2021.

## **ELECTIONS**

### **Public Chapter 93**

SB 208 - HB 500

#### **Campaign Signs**

Amends 2-7-143 to expand the prohibitions against government regulation of campaign signs placed on private property to the period beginning 60 days before any election (instead of just a general election).

Effective July 1, 2021.

### **Public Chapter 292**

SB 419 - HB 722

#### **Election Commissioner Conflicts**

Amends 2-12-102 to provide that a county election commissioner who qualifies as a candidate for any public office while serving as a commissioner is automatically disqualified to continue in office as a commissioner. Provides that if an immediate family member of a county election commissioner is on the ballot for public office in the county in which the commissioner serves, the commissioner must: (i) abstain from voting on any issues that directly affect the commissioner's immediate family member; and (ii) be temporarily recused from the official duties of the commission at least 30 days before the election.

Effective July 1, 2021.

### **Public Chapter 306**

SB 1534 - HB 966

#### **Prohibition on Private Election Funding**

Enacts a new section in Title 2, Chapter 11, Part 1 to provide that the state election commission, secretary of state, or coordinator of elections may only accept funding from appropriations of public funds from the United States government, the state of Tennessee, or a county or municipality in this state. The state election commission, secretary of state, or coordinator of elections shall not accept or expend any grant, gift, or funding from private persons, corporations, organizations, or political parties for conducting an election unless such acceptance or expenditure is approved by the speaker of the senate and the speaker of the house of representatives.

Enacts a similar new section in Title 2, Chapter 12, Part 1 applicable to the county election commission and administrator of elections. Provides that the county election commission or the administrator of elections shall not accept or expend any grant, gift, or funding from private persons, corporations, organizations, partnerships, or political parties

for conducting an election unless such acceptance or expenditure is approved by the secretary of state.

Provides these new sections do not apply to election information advertising, donation of use of a location for voting purposes, volunteer labor by citizens of Tennessee, pens, sanitizer, or nominal items.

Effective May 4, 2021.

**Public Chapter 374**  
SB 1315 - HB 1276

**Tennessee Election Integrity Act**

Amends 2-5-207 to provide that except for ballots authorized by state or federal law to be delivered electronically to qualified voters who are entitled to vote by absentee ballot, all absentee ballots must include a watermark approved by the coordinator of elections. The watermark must be easily discernible for verification purposes by the absentee counting board.

Amends 2-5-207 to provide that the sample ballot prepared by the county election commission must contain a watermark approved by the coordinator of elections. However, the sample ballots provided to the public shall not contain the watermark.

Amends 2-6-202 and 2-6-304 to include watermark verification before counting absentee ballots.

Effective January 1, 2022.

**Public Chapter 419**  
SB 800 - HB 1178

**Convenient Voting Centers**

Amends 2-3-301 to provide that the coordinator of elections shall not approve convenient voting centers for any county election commission that has not used at least one early satellite voting location throughout an early voting period in the most recent regular November election.

Amends 2-3-302 to extend the authorization for counties that have an approved convenient voting pilot project plan to establish convenient voting centers within the county for federal, state, and local elections held in 2022.

Amends 2-3-302 to authorize convenient voting centers in Monroe, Wilson and Sumner Counties.

Amends 2-3-308 to provide that despite the limitation to Monroe, Wilson and Sumner Counties under 2-3-302, any

county, which conducted a pilot project under 2-3-301 establishing convenient voting centers in the county and for which the coordinator of elections filed a favorable report under 2-3-307, may create a program that establishes convenient voting centers in the county for federal, state, and local elections.

Effective January 1, 2022.

**Public Chapter 487**  
SB 1120 - HB 1179

**Civil Penalties**

Amends 2-10-110 and 2-10-308 to provide that if a civil penalty assessed against a multicandidate political campaign committee is not paid within 30 days after the assessment becomes final, the treasurer and the officers of the multicandidate political campaign committee, at the time the conduct that gave rise to the civil penalty occurred, are ineligible to qualify for election to a state or local public office until the penalty is paid.

Amends Title 2, Chapter 10, Part 3 relative to campaign contribution limits for candidates for the general assembly.

Effective May 18, 2021.

**EMERGENCY SERVICES**

**Public Chapter 142**  
SB 995 - HB 553

**Emergency Rescue Workers - Infectious Diseases**

Amends 7-51-209. Adds to the list of infectious diseases to which the presumption, that an infectious disease was contracted in the line of duty, applies by adding a virus or other communicable disease for which: (1) A pandemic has been declared by the World Health Organization or the federal CDC; and (2) The governor has declared a state of emergency.

Effective April 13, 2021.

**Public Chapter 424**  
SB 1409 - HB 1373

**First Responders - Health Insurance Benefits**

Amends 8-27-404(d). Provides that the state shall reimburse a local government that provides health insurance benefits in accordance with this section in an amount equal to that portion of health insurance premiums or expenses for COBRA coverage for benefits for which the local government is responsible.

Effective May 12, 2021.

**Public Chapter 458**  
SB 19 - HB 864

**Assault Against a Nurse**

Amends 39-13-116. Adds assault and aggravated assault against a nurse to the present law offenses of assault and aggravated assault of a first responder.

Effective July 1, 2021.

**Public Chapter 478**  
SB 778 - HB 772

**Volunteer Firefighter – Pay Supplement**

Amends 4-24-201. Adds volunteer firefighter to the statute. Provides that “volunteer firefighter” means a person who volunteers with a county, municipal, or nonprofit fire department that is registered and recognized by the state fire marshal and who is required to extinguish and control fires or fire-related incidents.

Amends 4-24-202. Provides that volunteer firefighters who successfully complete in each year an in-service training course, appropriate to the volunteer firefighter's rank and responsibility and the size and location of the volunteer firefighter's department, of at least thirty hours duration at a school certified or established by the commission is entitled to receive payment of six hundred dollars (\$600) from the commission to be paid to the volunteer firefighter in addition to the volunteer firefighter's other compensation.

Effective May 18, 2021, for the purpose of promulgating rules.  
Effective July 1, 2021, for all other purposes.

**ENVIRONMENT**

**Public Chapter 158**  
SB 26 - HB 53

**Temporary Bottle/Barrel Tax for Litter Cleanup**

Amends 57-5-201 and 67-4-402 to extend (for six years) the temporary tax on bottled soft drink businesses and on barrels of beer. The temporary tax is allocated to the highway fund for the purpose of funding programs for litter prevention.

Effective June 1, 2021.

**Public Chapter 263**  
SB 790 - HB 1144

**Water Pollution**

Amends 69-3-105 to provide that the board of water quality, oil and gas shall promulgate rules creating a system of incentives for alternatives to discharges to surface waters, such as land application and beneficial reuse of the wastewater.

Effective April 28, 2021.

## **FIREARMS**

### **Public Chapter 108**

SB 765 - HB 786

#### **Unlawful Carrying or Possession of a Weapon**

Adds 39-17-1307(g). Creates an exception to the offense of carrying with the intent to go armed. Provides that it will be an exception to such offense that a person is carrying, whether openly or concealed, a handgun, and (1) The person is at least 21 years of age, or is at least 18 years of age and has been honorably discharged from military service or is on active duty and has completed basic training; (2) The person lawfully possesses the handgun; and (3) The person is in a place where the person is lawfully present.

Amends 39-17-1313. Provides that a person who lawfully carries a handgun pursuant to 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor vehicle while on or utilizing any public or private parking area.

Effective July 1, 2021.

### **Public Chapter 444**

SB 557 - HB 446

#### **Tennessee Firearm Protection Act**

Amends 38-3-115(a) and (b). Provides:

On or after July 1, 2021, public funds of this state, or any political subdivision of this state, shall not be allocated to the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation regulating the ownership, use, sale, or possession of firearms, ammunition, or firearm accessories, if the expenditure of public funds would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.

On or after July 1, 2021, personnel or property of this state, or any political subdivision of this state, shall not be allocated to the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation regulating the ownership, use, sale, or possession of firearms, ammunition, or firearm accessories, if the expenditure of public funds would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.

On or after July 1, 2021, personnel or property of this state, or any political subdivision of this state, shall not be allocated to the implementation, regulation, or enforcement of any

international law or treaty regulating the ownership, use, sale, or possession of firearms, ammunition, or firearm accessories, if the expenditure of public funds would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.

On or after July 1, 2021, public funds of this state, or any political subdivision of this state, shall not be allocated to the implementation, regulation, or enforcement of any international law or treaty regulating the ownership, use, sale, or possession of firearms, ammunition, or firearm accessories, if the expenditure of public funds would result in the violation of another Tennessee statute, Tennessee common law, or the Constitution of Tennessee.

A violation of this section by a state or local government entity may be reviewed by the office of the attorney general and reporter and the general assembly and may result in the entity's loss of funding from the state for the fiscal year following the violation.

Effective May 13, 2021.

**Public Chapter 540**  
SB 1142 - HB 1171

**Firearms Information Privacy Protection Act**

Amends Title 39, Chapter 17, Part 13. Provides that it is a Class E felony offense for any personnel, including elected and appointed officials, of this state, a local governmental entity, or a political subdivision of this state, when acting in the person's official capacity or disclosing information obtained in the person's official capacity, to intentionally disclose information that identifies another person as the purchaser or owner of a firearm, firearm ammunition, or firearm accessory for the purpose of: (1) Compiling or facilitating the compilation of a federal firearms registry or database; or (2) The confiscation of firearms. It does not apply to information that is provided to a government entity pursuant to 38-8-116, 38-8-123, 39-17-1315, 39-17-1316, 39-17-1351, 39-17-1365, or 39-17-1366, or as part of a criminal investigation.

Effective July 1, 2021.

**Public Chapter 554**  
SB 1334 - HB 902

**Firearms Information Privacy Protection Act**

Enacts 39-17-1367. Prohibits a state or local government entity, official, employee, or agent from knowingly creating or maintaining any firearm registry with the intent to record the possession or ownership of a firearm or firearm accessory by

individuals or non-governmental entities. “Registry” means a record of the possession or ownership by individuals or non-governmental entities of a firearm or firearm accessory, which includes, but is not limited to, the serial number, make, model, purchase date, or purchase location of the firearm or firearm accessory or the names, social security numbers, or personal addresses of the individuals or non-governmental entities. Provides exceptions. A violation is a Class E felony. In addition, a violation by a state or local entity shall result in loss of funding from the state for the following fiscal year and any subsequent fiscal year during which the violation occurs. Further, a violation may result in a civil action under 39-17-1314(g)-(i).

Amends 39-17-1314(g), (h) and (i). Adds to the grounds for a cause of action by a party who is adversely affected by local government regulation, the creation or maintenance of a record, database, registry, or collection of records, in violation of 39-17-1367, by a state or local government entity, official, employee, or agent.

Effective July 1, 2021.

## **HIGHWAYS**

### **Public Chapter 103 SB 1046 – HB 402**

#### **Off-Highway Vehicles**

Amends 55-8-101(12) to revise the definition of “Class I off-highway vehicle” to increase the allowable weight from 2,500 to 3,500 pounds. Also amends 11-11-203(3)(A) and 47-25-1902(1) to revise the definition of “all-terrain vehicle.”

Effective April 7, 2021.

### **Public Chapter 307 SB 374 – HB 54**

#### **Underground Utility Damage Prevention Act**

Amends 65-31-102 to include a definition of “damage notice.” Amends 65-31-106(b) to require the person marking the proposed area of excavation to comply with the marking standards established by rule. Amends 65-31-107(b)(1)(E) to clarify violators will be subject to the penalties in 65-31-112. Amends 65-31-108(a)(1)(A) to provide operators may recover their costs associated with locates pursuant to the one-call service through an appropriate ratemaking procedure. Amends 65-31-108 to provide excavators should use hand digging, hand tools and other mechanical or technical methods approved by the facility owner when practical. Amends 65-31-111 to require excavators to report any damage to the

one-call service (exempts those performing routine road maintenance). Amends 65-31-112 to increase the amounts of civil penalties for violations and to provide operators who fail to join the one-call service will be subject to civil penalties. Amends 65-31-114 to revise the terms of the executive committee. Amends 65-31-117 to revise the provisions relating to grants from the board for small operators and for public education and awareness. Amends 65-31-120 to provide that engaging in activities listed in 65-31-102(9)(B) (such as routine road maintenance) does not remove or impose liability per se for damage to underground utilities. Also amends 65-28-108(a) to increase the civil penalties related to pipeline safety.

Effective July 1, 2021.

## **JAILS**

### **Public Chapter 236**

SB 442 - HB 1343

### **Contraband in a Penal Institution**

Amends 39-16-201(b). Adds “a telecommunication device” to the items that constitute the offense of unlawful possession in a penal institution.

Effective July 1, 2021.

### **Public Chapter 359**

SB 972 - HB 1222

### **Jailer Qualifications – Psychological Exam**

Amends 41-4-144. Provides that a contracted licensed healthcare provider who certifies that a person is free from an impairment to authorize the person to work in a jail is not an agent of the county. Provides that the county may make a good faith reliance on the healthcare providers' certification.

Effective May 11, 2021.

### **Public Chapter 390**

SB 489 - HB 240

### **Transition Centers**

Amends Title 5, Chapter 9, Part 1. Authorizes counties to enter into interlocal agreements for the joint development or operation of a transition center to assist inmates' crossover from jail or prison life to productive citizenship through the use of phases and a series of programs and services designed to equip and empower inmates to make life changes in order to reduce recidivism.

Effective January 1, 2022.

**Public Chapter 409**  
SB 767 - HB 784

**Community Corrections**

Amends Title 40, Chapter 36, Part 1. Authorizes the Department of Correction to contract with local governments and qualified private entities to develop community-based alternatives to incarceration that provide a treatment-centered pathway for offenders, thereby reserving state penal institution, local jail, or workhouse bed space for other offenders. Places restrictions on the use of funds awarded by the Department of Correction. Authorizes the Department of Correction to conduct evaluations of funding recipients. Provides that funding recipients must substantially comply with the standards and administrative regulations of the Department. Provides that funding recipients must maintain, collect, and provide to the Department, annually or as otherwise requested, any information required by the department for evaluation.

Effective July 1, 2021.

**Public Chapter 410**  
SB 768 - HB 785

**County Correctional Incentives Act**

Amends 41-8-106 (section 18 of bill). Provides that in addition to the reimbursement paid to contract counties for housing convicted felons and the compensation paid to non-contracting counties, the Department of Correction must pay an accreditation stipend to eligible counties for each convicted felon housed by the county. An "eligible county" is a county that applies to the Department for the accreditation stipend and that the Department determines meets numerous eligibility criteria. The county must provide evidence-based programming. The county must achieve tier 1 or tier 2 accreditation from the Tennessee Corrections Institute.

Amends 41-4-140(a) (section 19 of bill). Provides that the Tennessee Corrections Institute must inspect local jails, lock-ups, and workhouses to determine whether a county merits tier 1 or tier 2 accreditation and report such determination to the Department of Correction.

Section 18: Effective May 12, 2021, for the purpose of promulgating rules, and for all other purposes, takes effect October 1, 2021.

Section 19: Effective May 12, 2021.

**Public Chapter 410**  
SB 768 - HB 785

**Educational and Workforce Development Programs**

Amends Title 49, Chapter 8, Part 2 (section 20 of bill). Provides that community colleges and state colleges of applied technology within the Board of Regents, are authorized to contract and partner with local governments for the purpose of providing educational and workforce development programs to assist with reducing recidivism rates of criminal offenders held in local correctional facilities and improving opportunities for successful reentry upon release from incarceration.

Amends 49-11-404(a) (section 21 of bill). Provides that the Board of Regents is authorized to enter into any contract or contracts with a Sheriff or other official charged with oversight of a county jail, lock-up, or workhouse for the purpose of developing reentry programs to effectively reduce the recidivism rate of criminal offenders and increase the likelihood of successful reintegration into society following release of individuals from incarceration.  
Effective May 12, 2021.

**Public Chapter 492**  
SB 383 - HB 1126

**Juvenile Detention - Seclusion**

Amends Title 37, Chapter 5, Part 2. Redefines "seclusion" to mean the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child. Applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers. Provides that seclusion shall not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.

Effective May 25, 2021.

**LAW ENFORCEMENT**

**Public Chapter 83**  
SB 189 - HB 50

**Self Defense**

Amends 39-11-106, 504, 611 and 620. Adds danger of grave sexual abuse as a justification for the use of deadly force in self-defense and use of deadly force by a law enforcement officer.

Effective April 7, 2021.

**Public Chapter 107**  
SB 327 - HB 384

**Missing and Endangered Children**

Amends 37-10-202. Updates current law regarding the reporting of missing and endangered children.

Effective July 1, 2021.

**Public Chapter 147**  
SB 1124 - HB 1006

**Illegal Use of Telecommunication Device by Minor**

Amends 37-1-148. Adds “an image of sexual activity involving a minor” to the language of the statute.

Effective July 1, 2021.

**Public Chapter 166**  
SB 277 - HB 153

**Disposition of Confiscated Weapons**

Amends 39-17-1317. Adds “equipment suitable for use for legitimate law enforcement purposes” to the type of equipment for which law enforcement agencies may exchange confiscated weapons.

Effective July 1, 2021.

**Public Chapter 210**  
SB 1122 - HB 1180

**Sex Offenses**

Amends 39-13-523. Adds the offense of trafficking a person for a commercial sex act to the meaning of predatory offenses for the purposes of sentencing a person as a child sexual predator.

Effective July 1, 2021.

**Public Chapter 246**  
SB 214 - HB 342

**Prostitution**

Amends 39-13-513(d). Requires a law enforcement officer to notify DCS when a person under 18 years of age is taken into custody for suspicion of committing the offense of prostitution.

Effective July 1, 2021.

**Public Chapter 278**  
SB 129 - HB 55

**Evading Arrest**

Amends 39-16-603. Revises the penalties for evading arrest, whether on foot or by motor vehicle, when a law enforcement officer is seriously injured or dies. Provides that the offense will be a Class C felony if the offense results in serious bodily injury to the law enforcement officer and a Class A felony if the offense results in the law enforcement officer's death.

Effective July 1, 2021.

**Public Chapter 336**  
SB 1232 - HB 961

**Arrest – Immunity From Suit**

Amends 38-3-113. Provides that when a full time POST certified officer makes an arrest in this state in a jurisdiction other than his own, the officer will have the same legal status and immunity from suit as when making an arrest in the officer's own jurisdiction, if the arrest is made under the following circumstances: ( 1) The officer reasonably believes that the person arrested has committed a felony in the officer's presence or is committing a felony in the officer's presence; (2) The officer reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the peace in the officer's presence or is committing a misdemeanor that amounts to a breach of the peace in the officer's presence; or (3) The officer is rendering assistance to a law enforcement officer of this state in an emergency or at the request of the officer.

Effective May 4, 2021.

**Public Chapter 350**  
SB 102 - HB 119

**Silver Alert Program**

Amends 38-6-121. Renames the Care Alert program the Silver Alert program. Requires the Tennessee Bureau of Investigation to implement statewide protocols to assist in the locating of vulnerable, missing citizens. Requires a local law enforcement agency to begin an investigation immediately when the agency receives appropriate notice and documentation about a missing citizen. The agency must also notify the TBI within four hours of receiving the notice of the missing citizen. Provides that the Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the Silver Alert program by methods, including, but not limited to, newsletters, press releases, media relations, access to TBI's current media list, and educational instruction through the Tennessee law enforcement training academy.

Effective May 11, 2021.

**Public Chapter 355**  
SB 448 - HB 1086

**Exculpatory Evidence – Duty to Disclose**

Amends Title 40, Chapter 30, Part 1. Enacts the “Post-Conviction Fingerprint Analysis Act of 2021.” Requires law enforcement agencies, whenever new evidence deemed potentially exculpatory by the chief law enforcement officer of the agency is discovered, to report the evidence to the district attorney currently serving in the jurisdiction in which the case was prosecuted, the trial court in which the conviction was

obtained, the individual convicted in the case, and the individual's attorney, if applicable, within 30 days of discovery. Also creates a method for a petitioner convicted of certain offenses to petition for fingerprint analysis of certain evidence.

Effective July 1, 2021.

**Public Chapter 362**  
SB 1035 - HB 39

**Protection for Rape Survivors**

Amends Title 39, Chapter 13, Part 5 and Title 38, Chapter 6, Part 1. Enacts the "Jim Coley Protection for Rape Survivors Act". Revises the present provisions relating to the process and protocol for forensic medical examinations of victims of sexually oriented crimes. Creates new provisions regarding the process of collecting, storing, and tracking evidence from forensic medical examinations. Creates new provisions regarding the rights of victims of sexually oriented crimes. Requires law enforcement agencies and qualified labs to participate in an electronic tracking system to be administered by the Tennessee Bureau of Investigation.

Effective July 1, 2021.

**Public Chapter 364**  
SB 1121 - HB 1211

**Mail Theft**

Amends Title 39, Chapter 14, Part 1. Creates the offense of mail theft, which is committed when a person takes mail from a residential mailbox or from the curtilage of a dwelling without the consent of the addressee and with the intent to deprive the addressee of the mail.

Effective July 1, 2021.

**Public Chapter 386**  
SB 1590 - HB 187

**DUI Offenders - Alternative Facilities**

Amends 55-10-402(f)(2)(B). Provides that a local governmental entity is immune from liability for a cause of action or claim for damages arising out of a person's participation in a private appropriately licensed substance abuse treatment program approved by the court as an alternative facility for the incarceration of an offender convicted of a violation of § 55-10-401.

Effective May 11, 2021.

**Public Chapter 395**  
SB 627 - HB 534

**School Violence**

Amends Title 39, Chapter 16, Part 5. Creates the Class A misdemeanor of communicating a threat to commit an act of mass violence on school property or at a school-related activity.

Creates the Class B misdemeanor of knowing failure to report a threat of mass violence on school property or at a school-related activity.

Effective July 1, 2021.

**Public Chapter 402**  
SB 951 - HB 12

**Sexual Abuse of a Corpse**

Amends 39-17-312 and 40-39-202. Enacts "April's Law". Creates the offense of sexual abuse of a corpse and requires violators to register as a sexual offender.

Effective July 1, 2021.

**Public Chapter 418**  
SB 285 - HB 1145

**Critical Infrastructure Vandalism**

Amends 39-14-411. Revises the offense of critical infrastructure vandalism. A person commits the offense of critical infrastructure vandalism who knowingly: (1) Interrupts or interferes with critical infrastructure or its operation; or (2) Destroys or injures critical infrastructure or a farm.

Effective July 1, 2021.

**Public Chapter 421**  
SB 1592 - HB 1187

**Disclosure of Electronic Communications**

Amends Title 40, Chapter 6, Part 1. Authorizes a law enforcement officer, a district attorney general, or the attorney general to require the disclosure of stored wire or electronic communications, as well as transactional records pertaining to the communications, to the extent and under the procedures and conditions provided for by the laws of the United States. Sets guidelines for the service of and compliance with the criminal process.

Effective July 1, 2021.

**Public Chapter 423**  
SB 1361 - HB 1254

**Attorney Fees – Forfeiture Proceedings**

Amends 40-33-217(a) and (c). Revises provisions governing awards of attorney's fees against the seizing agency in cases where the return of property is ordered. Provides that upon entering an order that includes a return of property the administrative law judge or the court shall also include an award of reasonable attorney's fees against the seizing agency. An award of reasonable attorney's fees shall not exceed ten thousand dollars.

Effective July 1, 2021.

**Public Chapter 439**  
SB 440 - HB 530

**Reward – Shooting Law Enforcement Officer**

Amends Title 38, Chapter 8, Part 1. Requires the state to offer a reward for information leading to the arrest of any individual responsible for the shooting of a law enforcement officer in the line of duty. The reward shall be in the following amount: (1) \$10,000 if the law enforcement officer was injured; or (2) \$20,000 if the law enforcement officer was killed in the shooting.

Effective July 1, 2021.

**Public Chapter 440**  
SB 451 - HB 881

**Aggravated Riot**

Amends 39-17-303. Expands the offense of aggravated rioting. Adds that a person commits the Class E felony offense of aggravated riot who knowingly participates in a riot and traveled from outside the state with intent to commit a criminal offense or participates in a riot in exchange for compensation. Increases the mandatory minimum sentence for aggravated riot from 45 days to 60 days when a person knowingly participates in a riot and also engaged in conduct that constitutes two or more of the other elements of the offense.

Effective July 1, 2021.

**Public Chapter 462**  
SB 258 - HB 924

**Use of Drones**

Amends 39-13-609(d)(2). Adds to the circumstances under which a drone, or similar device, may be used by law enforcement without a search warrant or recognized warrant exception to include use of the device, to: (1) Provide aerial coverage of public property, or private property with the consent of the private property owner, when deployed for the purpose of providing or enhancing security for an event open to the public, including, but not limited to, music concerts, athletic events, festivals, protests, and other outdoor events; (2) Provide aerial coverage in case of a natural disaster when a state of emergency is declared; or (3) Investigate the scene of a crime that is occurring or has occurred.

Amends 39-13-609(e)(2). Provides that any evidence, information, or other data collected or obtained by use of a drone shall: (1) Be deleted within fifteen business days of collection unless the evidence, information, or other data is directly relevant to the lawful reason the drone was being used or to an investigation or criminal prosecution. If the evidence, information, or other data is directly relevant to either, the

evidence must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone; and (2) Not be used as probable cause to obtain a search or arrest warrant or reasonable suspicion to detain a person or vehicle if evidence, information, or other data was collected or obtained that was, at the time of collection, in violation of this section.

Effective May 18, 2021. Terminates July 1, 2024, and the law in effect prior to this act's effective date will be revived.

**Public Chapter 489**  
SB 1380 - HB 1406

**Choke Holds - De-escalation and More**

Amends 38-3-121, 38-8-101 and 38-8-113. Provides that a law enforcement officer shall not use a choke hold, with or without the use of a police baton, on any person unless the officer reasonably believes that deadly force is authorized. Requires that the use of a choke hold, with or without the use of a police baton, must be taught to candidates at state law enforcement training facilities as a method of restraint to be used only if the officer reasonably believes that deadly force is authorized.

Adds 38-8-127. De-escalation. Requires each law enforcement agency to develop a policy regarding de-escalation by January 1, 2022. Requires each agency to provide training to officers on de-escalation techniques as set forth in the statute.

Adds 38-8-128. Duty to intervene. Provides, among other things, that a law enforcement officer who directly observes or has knowledge of excessive use of force by another law enforcement officer in violation of state or federal law shall, within the officer's scope of training, knowledge, and authority, intervene when the officer has an opportunity and means to prevent the harm from occurring. Contains reporting requirements.

Adds 38-8-129. Shooting at moving vehicles. Provides that by January 1, 2022, each law enforcement agency must develop a policy that limits the circumstances under which an officer may discharge a firearm at or from a moving vehicle, motorcycle, or bicycle to when the officer reasonably believes that deadly force is authorized.

Adds 38-8-130. Use of force reporting. Provides that by January 1, 2022, each law enforcement agency must establish a use of force reporting system that allows for the agency to effectively

review and analyze all use of force incidents. The reporting system must be designed to help the agency identify trends, improve officer training and safety, collect data, and provide timely and accurate information. By January 1, 2022, each law enforcement agency must implement the use of force reporting system to collect data on use of force incidents. Beginning January 1, 2022, each law enforcement agency must report monthly to the Tennessee Bureau of Investigation all use of force data consistent with the requirements, definitions, and methods of the Federal Bureau of Investigation's National Use of Force Data Collection. The TBI shall compile the information reported by each agency and submit an annual report to the chair of the judiciary committee of the senate and the chair of the criminal justice committee of the house of representatives by July 1, 2023, and by July 1 of each year thereafter.

Amends 40-6-105. Adds that a magistrate shall not issue a “no knock” search warrant, which expressly authorizes a peace officer to dispense with the requirement to knock and announce the peace officer's presence prior to execution of the warrant.

Effective May 18, 2021.

**Public Chapter 520**  
SB 219 - HB 217

**Bounty Hunters**

Amends 40-11-318(a). Amends the definition of “bounty hunting”. Provides that bounty hunting does not include the taking into custody of a person by a professional bondsman if the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has contracted.

Amends 40-11-318(b). Provides that the following persons are prohibited from serving as a bounty hunter in this state: (1) A person who has been convicted of a felony in any state; or (2) A person who has been convicted of two or more Class A or Class B misdemeanors in this state, or equivalent offenses in any other state, within the past five years.

Amends 40-11-133. Prohibits a professional bondsman or the agent of a professional bondsman who is arresting a defendant from: (1) Making a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization; (2) Wearing clothing or a uniform intended to give the impression that the

professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or (3) Wearing clothing bearing an identifying title other than "Bail Bondsman".

Effective May 25, 2021.

**Public Chapter 523**  
SB 457 - HB 374

**Community Oversight Board**

Amends 38-8-312. Requires, in jurisdictions that conduct citizen police academies or similar programs, that members of a community oversight board complete the local law enforcement agency's citizen academy course or program; establishes timeframe for completion and provides that noncompliant member will lose voting privileges until the requirement is met.

Effective July 1, 2021.

**Public Chapter 580**  
SB 166 - HB 733

**Cruelty to Animals**

Amends 39-14-212. Provides that a person commits aggravated cruelty to animals when, with no justifiable purpose, the person intentionally or knowingly: (1) Kills, maims, tortures, crushes, burns, drowns, suffocates, mutilates, starves, or otherwise causes serious physical injury, a substantial risk of death, or death to a companion animal; or (2) Fails to provide food or water to the companion animal resulting in a substantial risk of death or death.

Effective July 1, 2021.

**PERSONNEL**

**Public Chapter 284**  
SB 754 - HB 82

**Military Service - Employment Protections**

Amends 8-33-110. Revises unpaid leave provisions to specify that unpaid leave applies to employees who are on active state duty as members of the Tennessee National Guard, Tennessee State Guard, or Civil Air Patrol, pursuant to active state duty provisions. Provides that these individuals will also be entitled to equivalent protections regarding the right to reemployment to those protections afforded under the Uniformed Services Employment and Reemployment Rights Act of 1994 to service members called to federal active service. Requires a person protected by these unpaid leave and reemployment provisions to provide advance notice to the individual's employer of the

competent call to active state duty, unless impossible or unreasonable.

Effective July 1, 2021.

**Public Chapter 410**  
SB 768 - HB 785

**Limitation of Liability for Employers**

Amends Title 40, Chapter 29, Part 1 (section 17 of bill).

Provides that a cause of action may not be brought against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor based solely upon the fact that the employee or independent contractor has been previously convicted of a criminal offense.

Effective May 12, 2021.

**Public Chapter 470**  
SB 610 - HB 714

**Local Government Employees**

Amends Title 4, Chapter 5, Part 2 and Title 7, Chapter 51, Part 17 relative to employees of local governments who have been arrested.

If a city or county has or implements a policy that places an employee on administrative leave following an arrest, the city or county must implement a policy restoring back pay if the charges are dropped or the employee is found not guilty.

Requirement does not apply if the employee: (i) pleads guilty or enters a plea agreement; or (ii) voluntarily separates or is terminated.

Public records related to an administrative action against the employee must be maintained for the applicable destruction period.

Effective May 18, 2021.

**Public Chapter 556**  
SB 1567 - HB 943

**Employee Rights**

Amends Title 20, Title 29 and Title 50, Chapter 1 relative to employment rights. Defines "illegal activities" to be activities in violation of the criminal or civil code of this state or the United States. Does not include activities prohibited by anti-discrimination laws.

Effective May 26, 2021.

## **PLANNING**

### **Public Chapter 39** SB 682 - HB 407

#### **Subdivision Regulations**

Amends 13-3-410 to authorize owners (or agents of owners) to agree to sell or negotiate to sell land with reference to a subdivision plat that has not received final planning commission approval. Prohibits the transfer or close of a sale of land with reference to a plat that has not received final planning commission approval. Also amends 13-4-306 to make the same revisions for sales of land under the jurisdiction of municipal planning commissions

Effective March 23, 2021.

### **Public Chapter 300** SB 271 – HB 229

#### **Natural Gas Pipelines**

Enacts a new section at title 13, chapter 3, part 4 to require developers to notify operators of natural gas pipelines located within six hundred sixty feet (660') of the proposed development. Requires developers to make certain notations regarding this notice on the final plat filed with the regional planning commission. Requires regional planning commissions to gather raw data from the National Pipeline Mapping System within sixty days of the effective date of the act. Provides that planning commissions who approve developments based on this data will be immune from liability. Requires pipeline operators to file the name of their registered agent with the regional planning commission having jurisdiction no later than August 15, 2021. Also prohibits regional planning commissions from granting final approval of developments until the requirements of this section are met. Provides that planning commissions may rely on the notation made on the plat by the developer, the data gathered from the mapping system and the filing of the registered agent in granting final approval of the development. Provides that this new section applies to preliminary development plans filed on or after July 1, 2021.

Effective July 1, 2021.

## **PURCHASING**

### **Public Chapter 196** SB 547 – HB 1462

#### **Lease Financing**

Amends Title 9 by adding the “Uniformity in Local Government Financing Act”.

Provides that Title 9, Chapter 24 does not expand authority of any public entity to enter into lease financing and does not limit authority for lease financing except as provided in Chapter 24.

Provides that public entities must comply with the following requirements: (i) receive authorization from the comptroller of treasury or designee and must present it to the governing body of the public entity for consideration; (ii) the weighted average maturity of the principal payments under the lease financing must not exceed the estimated weighted average of the property; (iii) are not authorized to enter agreements unless authorized by applicable law and the term must not exceed maximum term of debt that could be issued by the public entity; (iv) if the indebtedness of the public entity is only payable pursuant to applicable law from revenues, the payments made by the public entity must only be paid by such revenue; and (v) if the lease payments under the agreement are payable or secured by ad valorem taxes of the public entity and the term exceeds the maximum term of the note, the public entity shall not enter into the agreement without adopting and publishing a resolution.

Provides the public entity must submit a request for approval and a plan of the lease financing to the Comptroller. The Comptroller will approve or disapprove the plan within 15 days after receipt. The public entity may act on the plan after approval or after the expiration of the 15 days.

Provides property leased by the public entity is deemed property owned by the public entity and is exempt from taxation.

Applies to authorized lease financing of the public entity after January 1, 2022.

Effective April 22, 2021.

**Public Chapter 234**  
SB 1150 - HB 1112

### **Public Contracts and Contractors**

Amends Title 12, Chapter 4 and Title 50. Except as provided by State or federal law, prohibits local government entities, as part of a contract to improve real property, from requiring a contractor or remote contractor to: (i) obtain, gather, or disclose personnel information of the contractor's employees; (ii) provide personnel information of the contractor's

employees to a person or entity; (iii) adhere to safety and health standards in excess of those required by OSHA and TOSHA; (iv) provide access to the worksite to anyone who would not otherwise have legal access to the worksite; (v) provide access to personnel information of anyone furnishing labor or materials on the worksite to a third party unless the third party is a certified public accountant performing an audit for the contract; (vi) require written contracts for labor and materials; (vii) be responsible for another party's compliance agreement to the improvement; or (viii) offer employment to a temporary laborer regardless of the length of service.

Provides that a governmental entity shall only restrict a contractor from bidding, proposing, or accepting a contract if the contractor has committed a willful violation of federal or state law.

Effective April 22, 2021.

**Public Chapter 310**  
SB 1125 - HB 235

**Purchasing Procedures**

Amends 49-13-111 and 49-2-203 relative to bid limits.

Amends 12-3-1212. Counties that have adopted the County Financial Management System of 1981, the County Purchasing Law of 1957, or are similarly centralized for purchasing under a private act, are deemed to have a full-time purchasing agent.

Effective July 1, 2021.

**Public Chapter 527**  
SB 1560 - HB 488

**Surplus First Responder Two-Way Radios**

Amends Titles 4, 7, 12, 13, 35, 37, 39, 40, 47, 54, 55, 65, 66, 67, and 68 relative to telecommunications.

Following notice to the commissioner, the department of safety may transfer surplus first responder two-way radios to a county designated as distressed by the Appalachian Regional Commission. After the transfer of the surplus two-way radio to a distressed county, other radios may be transferred to other county governments in need that submit proof to the department that the county cannot purchase the equipment. Two-way radios obtained by the federal government must be transferred in accordance with federal law.

Effective May 25, 2021.

## **RECORDS**

### **Public Chapter 201** SB 699 - HB 809

#### **Automatic License Plate Reader Systems**

Amends 10-7-504 to provide that captured plate data from automatic license plate reader systems must be treated as confidential and shall not be open for inspection by members of the public.

Effective April 22, 2021.

### **Public Chapter 242** SB 135 - HB 197

#### **Intentional Disruption of Governmental Operations**

Amends 10-7-503 to provide that if a person makes a request to view or copy a public record with the intent to disrupt government operations, the records custodian charged with fulfilling the request may petition a court of record of competent jurisdiction for an order to enjoin the person from making records requests. The records custodian may not petition a court for injunctive relief unless the records custodian has notified the person making the requests in writing stating the specific conduct that may constitute intent to disrupt government operations and the person has continued to engage in such conduct after the notification. The records custodian shall provide such notification after the fifth request by the person made with intent to disrupt government operations. After a petition is filed and while the case is pending, the records custodian shall continue to comply with the open records law, but if the records custodian prevails, the person making the requests shall reimburse the records custodian for the labor costs incurred by the records custodian in producing the records during the pendency of the case.

Provides that a court may, upon finding by clear and convincing evidence that a records request was made with intent to disrupt government operations, enjoin the person who made the request from making a public records request for a period of up to one year; provided, that the person, while subject to the injunction, may petition the same court for permission to make a public records request and the court may approve the petition if the petitioner shows that the public records request is not made with intent to disrupt government operations.

A records custodian who petitions a court for an injunction pursuant to this law shall provide a written report to the office of open records counsel that includes a copy of the petition and any injunction or orders issued by the court. The report must be filed no later than three months after the petition is filed. If a final order has not been issued within three months of the petition's filing, the records custodian shall provide the final order to the office of open records counsel as soon as reasonably possible after the final order is issued. The office of open records counsel shall include a summary of the reports received as part of the office's annual report and provide the summary to the advisory committee on open government.

Provides that this law is repealed July 1, 2025.

Effective April 28, 2021.

**Public Chapter 253**  
SB 475 - HB 347

**Federal Law Enforcement Agents**

Amends 10-7-504(f) to make confidential certain personal information, in the possession of a governmental entity or any person in its capacity as an employer, of federal law enforcement agents or officers conducting an operation in Tennessee

Provides that this law is repealed July 1, 2026.

Effective April 28, 2021.

**Public Chapter 304**  
SB 1285 - HB 1312

**Fatal Motor Vehicle Accidents**

Amends 10-7-504 to make confidential photographic evidence of a fatal motor vehicle accident that depicts a deceased minor victim at the scene of the accident. Does not limit access to governmental agencies engaged in investigating or prosecuting a criminal offense or restrict the application of Rule 16 of the Tennessee Rules of Criminal Procedure in any court or the disclosure of information required of counsel by the state or federal constitution.

Effective July 1, 2021.

**Public Chapter 327**  
SB 302 - HB 560

**Business or Occupation License Information**

Amends 61-1-1707 and 67-4-722 to provide that the name and address of any present or former owner or operator of any trade or business as appearing on any business or occupation license or application for a license, and information on the

license or application regarding whether the trade or business is veteran or minority owned, is a public record.

Effective May 4, 2021.

**Public Chapter 391**  
SB 1598 - HB 368

**Student Incident Records**

Enacts new subdivisions in 10-7-504(a)(4) to provide that a record of a minor student attending an institution of secondary or elementary education that is created by a school resource or other law enforcement officer, or that is maintained by a law enforcement agency as the result of an incident involving the minor that occurred on school property and did not result in a charge of delinquency is confidential and not open to public inspection unless: (i) the person requesting the information obtains consent from the minor's parent or guardian; (ii) the request is made subject to a court order; or (iii) a law enforcement officer of another jurisdiction requests the record when necessary for the discharge of the law enforcement officer's official duties.

Provides that this law is repealed July 1, 2026.

Effective May 11, 2021.

**Public Chapter 447**  
SB 832 - HB 648

**Scanning of Permanent Records**

Amends 10-7-404(c) to provide that the county public records commission may authorize the destruction or transfer of the original paper version of permanent records once reproduced electronically in accordance with the requirements in 10-7-404(d). Provides that the original paper version may only be destroyed, once reproduced in accordance with 10-7-404(d), upon a majority vote of the county public records commission.

Provides that if the county public records commission authorizes the destruction of the original paper version of permanent records solely in accordance with 10-7-404(d), the original records must not be destroyed: (i) for one year, if the record is created after the effective date of the act (May 13, 2021) and before July 1, 2022; and (ii) for six months, if the record is created on or after July 1, 2022, and before July 1, 2023.

Deletes a provision in 10-7-404(c) relative to the preservation of all original process in any civil action or criminal proceeding.

Effective May 13, 2021.

**Public Chapter 516**  
SB 1608 - HB 159

**Personal Privacy Protection Act**

Enacts a new section at Title 39, Chapter 13, Part 6 to provide that a public agency shall not: (i) release name or data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under § 501(c) of the Internal Revenue Code in possession of that public agency; or (ii) require an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the names or other personal information of persons who have provided financial or nonfinancial support to the exempt entity.

Provides for numerous exceptions.

Effective October 1, 2021.

**Public Chapter 555**  
SB 910 - HB 572

**Arrested but Not Convicted Individuals**

Enacts a new section at 10-7-504 to make confidential the home street address (excluding the name of the city or the zip code), the personal telephone number and social security number of the person compiled by and in the possession of municipal and county law enforcement agencies and detention facilities concerning any person who has been arrested or charged, but not convicted.

Provides that this provision does not apply to any person who is arrested or charged for a parole or probation violation during the term of a suspended or deferred sentence, does not prohibit the disclosure of information that is used to populate and maintain the statewide automated victim information and notification system, and does not apply to a consumer reporting agency when compiling a consumer report, as defined by 15 U.S.C. § 1681a.

Amends 10-7-504(a)(31) to provide that upon written request, a motor vehicle accident report containing personal identifying information of persons involved in the accident may be given to: (i) any person named in the motor vehicle accident report; (ii) an agent, legal representative, or attorney of any person or

property owner named in the motor vehicle accident report, with certification of permission from the person the agent, legal representative, or attorney represents; (iii) the owner of any real property listed in the report; or (iv) any person or entity authorized to obtain motor vehicle records information pursuant to 55-25-107(b)(1), (b)(6), or (b)(9).

Effective May 26, 2021.

## **REGISTERS OF DEEDS**

**Public Chapter 181**  
SB 1263 – HB 633

### **Certification of Electronic Documents**

Amends 66-24-101(d)(3) to revise the certification requirements for electronic documents submitted to the register of deeds for recordation.

Effective July 1, 2021.

**Public Chapter 333**  
SB 994 – HB 851

### **Records**

Amends 10-7-504 to provide that personally identifying information provided as part of a person's participation in a property alert service or program is confidential.

Effective May 4, 2021.

**Public Chapter 449**  
SB 881 – HB 1190

### **Indexing of Documents Relating to Trusts**

Enacts a new subsection at 10-7-201 to require registers to index suits, decrees, judgments, sales, mortgages, transfers, liens, deeds, powers of attorney and any other records referencing a trust in the name of the trust (if the name of the trust is stated in the document) and in the name of each trustee listed in the document.

Effective July 1, 2021.

## **RETIREMENT**

**Public Chapter 156**  
SB 8 - HB 161

### **Entities Separating from Local Governments**

Amends 8-35-248 relative to the retirement procedures and options for an entity separating from a participating political subdivision in order to become a separate governmental entity from the political subdivision.

Effective April 20, 2021.

**Public Chapter 251**  
SB 405 - HB 531

**Maximum Unfunded Liability**

Amends 8-36-203 and 8-37-210 to make an administrative change regarding when benefits must begin.

Amends 8-36-922 to provide that with respect to political subdivision employees, "maximum unfunded liability" means an unfunded liability of no greater than the amount as determined by the employees' respective employer as shall be set forth in the political subdivision's participation resolution, but in no event shall the maximum unfunded liability be greater than 20% of the political subdivision's total pension liability.

Amends 8-37-214 regarding establishing prior service credit after retirement.

Amends 8-37-220 to provide that members, including retired members, may establish the retirement credit authorized in Chapters 34-37 of Title 8 through equal monthly installments over a period not to exceed five years from the date the first monthly installment payment is due and payable, or the length of service being established, whichever is shorter.

Effective April 28, 2021.

**Public Chapter 382**  
SB 1520 - HB 1540

**Prior Service With Separate Retirement System**

Enacts a new section in Title 8, Chapter 34, Part 6 to provide that any member of the Tennessee consolidated retirement system may obtain creditable service for prior service while a participating member of a city, metropolitan government, county, utility district, or other political subdivision retirement system by notifying the board of trustees of the Tennessee consolidated retirement system and the board of trustees of the city, metropolitan government, county, utility district, or other political subdivision retirement system. Upon receiving the notice, the board of trustees of the city, metropolitan government, county, utility district, or other political subdivision retirement system shall transfer to the Tennessee consolidated retirement system board all employer and employee contributions made by or on behalf of the member, together with regular interest thereon. Upon receipt of the funds, the member must be credited with the years of service, not to exceed the years of actual service, as the amount will warrant without creating any unfunded actuarially accrued liability.

Effective July 1, 2021.

**Public Chapter 486**  
SB 1114 - HB 171

**Correctional Officers**

Enacts a new section in Title 8, Chapter 36, Part 3 to provide that a correctional officer employed by a local government who is a member of the retirement system, regardless of the correctional officer's participation in the legacy pension plan, the hybrid plan, or another alternative plan, is eligible for early service retirement upon attainment of 25 years of creditable service. Provides that the local government may require a correctional officer who voluntarily chooses to retire pursuant to this provision to pay a pro rata share of the cost of any insurance coverage otherwise provided to members who are 100% vested in the service retirement benefit pursuant to 8-36-201 based on the time the correctional officer voluntarily chooses to retire until the date that the correctional officer would have become 100% vested. Provides that a correctional officer who voluntarily chooses to retire pursuant this provision is entitled to insurance coverage otherwise provided to members who are 100% vested in the member's service retirement benefit pursuant to 8-36-201 on the date that the correctional officer would have become one hundred percent 100% vested.

Amends 8-36-205 to authorization local governments participating in TCRS to adopt a mandatory age of retirement for correctional officers in the same manner as local governments are authorized to adopt for firefighters and police officers.

Effective January 1, 2022.

**Public Chapter 499**  
SB 1185 - HB 1383

**Law Enforcement Officers**

Enacts a new section in Title 8, Chapter 36, Part 8 to provide that a law enforcement officer retired for at least nine months from the Tennessee consolidated retirement system, from a superseded system administered by the state, or from a local retirement fund pursuant to Title 8, Chapter 35, Part 3 may accept employment as a law enforcement officer without loss or suspension of retirement benefits under certain conditions (including, but not limited to, that the retired member has successfully completed annual training required by Title 38, Chapter 8, Part 1 and as required by the Tennessee peace officer standards and training commission).

Provides the retired member is not eligible to accrue additional retirement benefits as a result of such employment. Also provides the retired member must not receive automatic credit for years of experience in determining compensation; provided, that the salary paid to such retired member for serving as a law enforcement officer must not be less than the rate of compensation set by the employing law enforcement agency for law enforcement officers with no experience filling similar positions, nor may such salary exceed 85% of the rate of compensation set by the employing law enforcement agency for law enforcement officers with comparable training and years of experience filling similar positions.

Provides payments must be made by appropriation of funds by the retired member's employing law enforcement agency, in the case of a municipality or political subdivision, for the purpose of: (i) making a payment equal to the amount the employer would have contributed had the retired member been a member of the retirement system for the position during the period of employment; or (ii) paying an additional amount as determined by the board of trustees of the Tennessee consolidated retirement system required to fund the liability created by this provision; provided, that such amount is not less than 5% of the retired member's pay rate.

Provides that this law is repealed July 1, 2023.

Effective May 25, 2021.

## **TAXATION**

### **Public Chapter 70 SB 736 – HB 141**

#### **Entertainment Productions**

Amends Title 67, Chapter 6, Part 3 and 67-4-2109 to provide a process where certain entertainment productions may apply for a sales and use tax exemption and a credit for qualified payroll expenses for a qualified production. The commissioners of revenue and economic and community development must determine whether approving the application is in the best interest of the state.

Effective July 1, 2021.

### **Public Chapter 86**

#### **Utility Pipes and Railroad Structures**

SB 215 – HB 131

Amends 67-6-102 to provide that certain utility and railroad structures are not to be deemed tangible personal property and are instead to be deemed to be realty upon installation.

Effective July 1, 2021.

**Public Chapter 139**

SB 874 – HB 1191

**Continuing Education Courses**

Amends 67-6-329 to exempt from the sales and use tax online access to continuing education courses that meet requirements for licensed individuals and that are offered by organizations that have received a determination of exemption from the IRS pursuant to 26 U.S.C. § 501(c)(3) or (c)(6).

Effective July 1, 2021.

**Public Chapter 217**

SB 756 – HB 84

**Bankruptcy Stays**

Amends 67-1-1429 to provide that the statute of limitations for collection of taxes ceases running upon the imposition of a bankruptcy stay or upon the filing of a probate, receivership, or assignment for the benefit of creditors proceeding. Such period recommences running 30 days after the stay is lifted or the proceeding prohibiting collection ends.

Effective April 22, 2021.

**Public Chapter 273**

SB 1262 – HB 1172

**Collection of Adequate Facilities Taxes**

Amends 67-4-2910(a) to authorize counties to pass a resolution requiring fifty percent (50%) of the tax be paid at the time of application for a building permit and the remaining fifty percent (50%) be paid prior to the issuance of a certificate of occupancy.

Effective April 30, 2021.

**Public Chapter 285**

SB 757 – HB 85

**Delayed Streamlined Sales Tax Provisions**

Amends 2007 Public Chapter 602 and numerous subsequent public chapters in order to delete certain provisions of the streamlined sales tax which were delayed several times and never implemented.

Effective April 30, 2021.

**Public Chapter 456**

SB 909 – HB 1154

**Food Sales Tax Holiday**

Amends 67-6-393 to establish a sales tax holiday on food if sold between July 30<sup>th</sup> and August 5<sup>th</sup>.

Amends 49-11-903 relative to funds in the qualified work-based learning grant program.

Effective July 1, 2021.

**Public Chapter 480**  
SB 883 – HB 913

**Refunds**

Amends 67-1-1802 to provide a process whereby a customer can seek a direct refund of sales taxes from the department of revenue if the dealer fails or declines to issue the refund to the customer.

Effective October 1, 2021.

**Public Chapter 561**  
SB 1586 – HB 1042

**Economically Distressed Counties**

Amends 67-6-104 to provide that a county may qualify as an eligible county, on or after January 1, 2021, if the county borders at least three distressed rural counties in at least three fiscal years since fiscal year 2016-2017 and the county commission, or the governing body of a municipality within the county, has passed a resolution or other official action prior to January 1, 2021, that seeks to establish or certify a commercial development district within the county or municipality and receive an allocation of sales and use tax revenues under 67-6-104.

Effective May 26, 2021.

**Public Chapter 592**  
SB 551 – HB 761

**Gun Safe Sales Tax Holiday**

Amends 67-6-393 to establish a sales tax holiday on gun safes and gun safety devices if sold between July 1, 2021 and June 30, 2022.

Amends 49-11-903 relative to funds in the qualified work-based learning grant program.

Effective May 27, 2021.

**TAXATION – PROPERTY**

**Public Chapter 383**  
SB 1532 - HB 854

**Agricultural, Forest, or Open Space Land**

Amends Title 67, Chapter 5, Part 10. Extends, from March 1 to March 15, the deadline by which a landowner must file with the assessor of property an application for land to be classified as agricultural, forest, or open space land. Also deletes a provision of present law that prohibits refunds of rollback

taxes, which result due to an error in assessment and have been collected at the request of a buyer or seller at the time of sale.

Effective May 11, 2021.

**Public Chapter 522**  
SB 563 - HB 358

**Delinquent Personal Property Taxes**

Amends 67-5-2004. Authorizes the County Trustee to proceed against delinquent taxpayers by retaining an agent to collect delinquent personal property taxes, interest, costs, and attorneys' fees.

Effective May 25, 2021. This act will be repealed on July 1, 2024.

**UTILITIES**

**Public Chapter 126**  
SB 495 – HB 395

**Water and Wastewater Authority Commissioners**

Amends 68-221-618 to increase the per diem payments to members of the board of commissioners of water and wastewater treatment authorities to \$300.

Effective April 13, 2021.

**Public Chapter 127**  
SB 537 – HB 655

**Reimbursement Policies**

Amends 6-54-903 and 7-82-309 to provide that travel and expense reimbursement policies must be made available for review by the comptroller.

Effective April 13, 2021.

**Public Chapter 226**  
SB 533 – HB 651

**Changes in Net Position**

Amends 7-82-401 and 68-221-1010 relative to calculating a change in net position for utility districts and water or wastewater facilities.

Effective April 22, 2021.

**Public Chapter 321**  
SB 297 – HB 388

**Competitive Sealed Proposals**

Amends 12-3-1207 to provide that the board of commissioners of a utility district has the same rights and is subject to the same restrictions and requirements as apply to a municipal governing body under 12-3-1207 relative to accepting competitive sealed proposals (instead of bids). The board of commissioners of a utility district shall adopt a purchasing policy pursuant to Title 7, Chapter 82, Part 8, that contains

criteria for purchasing through competitive sealed proposals and procedures consistent with 12-3-1207 before purchases may be made.

Effective May 4, 2021.

## **PART II - PUBLIC ACTS OF LOCAL APPLICATION**

### **DAVIDSON**

#### **Public Chapter 401** SB 1543 – HB 1437

#### **Tennessee Titans**

Amends several sections in Title 67, Chapter 6, Parts 1 and 7 to increase the state and local sales tax appropriations to Davidson County's sports authority related to the Tennessee Titans, Nissan Stadium and the 130-acre campus around the stadium.

Effective July 1, 2021.

#### **Public Chapter 466** SB 424 – HB 811

#### **Tourism Development**

Amends 7-88-117 to increase the fee on the sales price of services and tangible personal property sold at retail within a central business improvement district located within a tourism development zone and to provide for the distribution and use of such fee.

Effective July 1, 2021.

#### **Public Chapter 558** SB 679 – HB 975

#### **Nashville Fairgrounds Speedway**

Enacts new subdivisions in 67-6-103 and 67-6-712 to increase the state and local sales tax appropriations to Davidson County related to events occurring at the Nashville Fairgrounds Speedway.

Effective July 1, 2021.

### **JOHNSON**

#### **Public Chapter 254** SB 505 – HB 699

#### **Full Time Sessions Judge**

Amends 16-15-5002 to provide that upon adoption of a resolution by a two-thirds majority vote of the county legislative body, the sessions judge shall devote full time to the duties of such office and shall be prohibited from the practice of law or any other employment which conflicts with the performance of their duties as judge.

Effective April 28, 2021.

## **KNOX**

**Public Chapter 422**  
SB 783 – HB 1204

### **Tennessee Smokies**

Amends 67-6-103 and 67-6-712 to increase the state and local sales tax appropriations to the local entity responsible for the retirement of the debt on the new Tennessee Smokies stadium.

Effective July 1, 2021.

**Public Chapter 475**  
SB 688 – HB 944

### **Clerk Fees**

Amends 8-21-401 and 8-21-409 to remove the separate clerk fee schedule for Knox County and make the general schedule applicable instead.

Effective July 1, 2021.

## **LAKE**

**Public Chapter 488**  
SB 1187 – HB 1140

### **Reelfoot Lake Regional Utility and Planning District**

Amends 1983 Public Chapter 222 to increase the compensation for the board of directors of the Reelfoot Lake regional utility and planning district.

Effective May 18, 2021.

## **MORGAN**

**Public Chapter 121**  
SB 333 – HB 408

### **Citizens Gas Utility District**

Amends Chapter 225 of the Public Acts of 1959 (and other acts amendatory thereto) to establish an at-large seat on the governing body of the Citizens Gas Utility District of Scott and Morgan counties beginning in 2025.

Effective April 13, 2021.

**Public Chapter 123**  
SB 349 – HB 431

### **Off-Highway Vehicles**

Amends 55-8-185(c)(1) to authorize three- or four-wheel all-terrain vehicles or three- or four-wheel off-highway vehicles to operate on certain roadways in Morgan County.

Effective April 13, 2021.

## **OBION**

**Public Chapter 488**  
SB 1187 – HB 1140

**Reelfoot Lake Regional Utility and Planning District**  
Amends 1983 Public Chapter 222 to increase the compensation for the board of directors of the Reelfoot Lake regional utility and planning district.

Effective May 18, 2021.

## **SCOTT**

**Public Chapter 121**  
SB 333 – HB 408

**Citizens Gas Utility District**  
Amends Chapter 225 of the Public Acts of 1959 (and other acts amendatory thereto) to establish an at-large seat on the governing body of the Citizens Gas Utility District of Scott and Morgan counties beginning in 2025.

Effective April 13, 2021.

## **UNICOI**

**Public Chapter 123**  
SB 349 – HB 431

**Off-Highway Vehicles**  
Amends 55-8-185(c)(1) to authorize three- or four-wheel all-terrain vehicles or three- or four-wheel off-highway vehicles to operate on certain roadways in Unicoi County.

Effective April 30, 2021.

## **WILSON**

**Public Chapter 543**  
SB 1155 – HB 1286

**Tennessee State Fair**  
Amends 4-57-105 and 5-9-102. Relocates the state fair from Nashville to Wilson County and authorizes the state fair's management by Tennessee State Fair Association, Wilson County Promotions, Inc., or both.

Effective May 25, 2021.

## **PART III - PRIVATE ACTS**

### **ANDERSON**

#### **Private Chapter 34** SB 1651 - HB 1631

#### **Regulation of Pyrotechnics**

Enacts Private Acts of 2021, Chapter 34. Establishes the regulation of pyrotechnics in Anderson County. Repeals Private Acts of 1947, Chapter 291.

Effective upon approval by a 2/3 vote of the county legislative body.

### **BENTON**

#### **Private Chapter 15** SB 1626 - HB 1603

#### **Mineral Severance Tax**

Amends Private Acts of 1979, Chapter 89. Increases the cap on the tax from 5¢ per ton to 15¢ per ton. Requires every operator liable for the collection and payment of the tax imposed to keep and preserve for three years the records necessary to determine the amount of tax due and payable to the county.

Effective upon approval by a 2/3 vote of the county legislative body.

#### **Private Chapter 16** SB 1625 - HB 1604

#### **Pulpwood Severance Tax**

Amends Private Acts of 1997, Chapter 55. Requires the clerk or authorized collector of the tax to audit each operator in the county at least once a year and report the results to the county legislative body. Requires every operator liable for the collection and payment of the tax imposed to keep and preserve for three years the records necessary to determine the amount of tax due and payable to the county.

Effective upon approval by a 2/3 vote of the county legislative body.

### **CHESTER**

#### **Private Chapter 2**

#### **Solid Waste Disposal Fee**

SB 99 - HB 154

Enacts Private Acts of 2021, Chapter 2. Authorizes a solid waste disposal fee which may be added to the county property tax notice.

Effective upon approval by a 2/3 vote of the county legislative body.

**GIBSON**

**Private Chapter 3**  
SB 1393 - HB 665

**Gibson County Special School District**  
Amends Private Acts of 1981, Chapter 62. Authorizes the Gibson County Special School District to issue and sell school bonds in an aggregate principal amount of not to exceed \$5,000,000.

Effective April 7, 2021.

**Private Chapter 18**  
SB 1633 - HB 1612

**Milan Special School District**  
Amends Private Acts of 1945, Chapter 504. Revises the property tax rate for the Milan Special School District from \$2.23 to \$2.16.

Effective April 30, 2021.

**GRAINGER**

**Private Chapter 30**  
SB 1644 - HB 1624

**Hotel/Motel Tax**  
Enacts Private Acts of 2021, Chapter 30. Authorizes the county legislative body to levy a hotel/motel tax.

Effective upon approval by a 2/3 vote of the county legislative body.

**HAMILTON**

**Private Chapter 27**  
SB 1650 - HB 1626

**Electronic Library Committee**  
Enacts Private Acts of 2021, Chapter 27. Establishes the County Governmental Electronic Library Committee which is charged with establishing a County Governmental Electronic Library System. Repeals Private Acts of 1967, Chapter 109.

Effective upon approval by a 2/3 vote of the county legislative body.

**HENDERSON**

**Private Chapter 12**

**Hotel/Motel Tax**

SB 1621 - HB 1511

Amends Private Acts of 1983, Chapter 98. Increases the hotel/motel tax from 5% to 7%. Reallocates the distribution of the proceeds.

Effective upon approval by a 2/3 vote of the county legislative body.

**MADISON**

**Private Chapter 7**  
SB 1619 - HB 1380

**Sheriff's Civil Service Law**

Amends Private Acts of 1983, Chapter 54, as amended, by deleting the act in its entirety and replacing it with the Madison County Sheriff's Civil Service Law of 2021.

Effective upon approval by a 2/3 vote of the county legislative body.

**MARION**

**Private Chapter 35**  
SB 1652 - HB 1632

**Deptford Independent School District**

Enacts Private Acts of 2021, Chapter 35. Authorizes the Richard City and Deptford Independent School District to issue up to \$2,350,000 of school bonds and notes; and to provide for the pledge, levy and collection of taxes to pay debt service on said bonds and notes.

Effective May 25, 2021.

**MONTGOMERY**

**Private Chapter 9**  
SB 1622 - HB 1499

**Hotel/Motel Tax**

Amends Private Acts of 1979, Chapter 167. Establishes the Clarksville-Montgomery County Area Economic Development Council.

Effective upon approval by a 2/3 vote of the county legislative body.

**SMITH**

**Private Chapter 26**  
SB 1640 - HB 1622

**Hotel/Motel Tax**

Enacts Private Acts of 2021, Chapter 26. Authorizes the county legislative body to levy a hotel/motel tax.

Effective upon approval by a 2/3 vote of the county legislative body.

**WEAKLEY**

**Private Chapter 22**  
SB 1642 - HB 1623

**Building Permits**

Amends Private Acts of 1992, Chapter 205. Requires the County Trustee to issue building permits and collect the fee.

Effective upon approval by a 2/3 vote of the county legislative body.

**WILLIAMSON**

**Private Chapter 6**  
SB 573 - HB 701

**Franklin Special School District**

Amends Private Acts of 1949, Chapter 563. Authorizes the Franklin Special School District, Williamson County, Tennessee, to issue and sell school bonds and notes in an aggregate principal amount of not to exceed \$45,000,000.

Effective April 20, 2021.