

HOUSE BILL 309

By Chism

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, Part 4, relative to marijuana.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-402(12)(C), is amended by deleting the language "marijuana, marijuana concentrates, marijuana oil,".

SECTION 2. Tennessee Code Annotated, Section 39-17-402, is amended by adding the following as new subdivisions:

( ) "Marijuana accessory" means paraphernalia for the ingestion, use, inhalation, preparation for personal use, or storage of a personal-use quantity of marijuana;

( ) "Personal-use quantity of marijuana" means:

(A) One (1) ounce (28.35 grams) or less of marijuana;

(B) Five grams (5 g.) or less of resin extracted from, or of concentrates derived from, marijuana; and

(C) Infused products containing one thousand milligrams (1000 mg.) or less of delta-9-tetrahydrocannabinol (THC);

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

(a) A person who knowingly possesses a personal-use quantity of marijuana or a marijuana accessory commits a civil violation. An offender shall be issued a civil citation and shall not be arrested or criminally prosecuted solely for a violation of this section.

(b)

(1) If the offender is eighteen (18) years of age or older, then the penalty is a twenty-five dollar (\$25.00) fine; provided, that the offender may, upon the offender's request, perform community service in an amount not to exceed three (3) hours in lieu of the fine.

(2) If the offender is younger than eighteen (18) years of age, then the offender shall be required to perform community service in an amount not to exceed five (5) hours, or complete a drug awareness program within one (1) year of the violation at no cost to the offender, or both. Additionally, a parent or legal custodian of the offender must be notified of the violation.

(c)

(1) Except as provided in subdivision (c)(2), the odor of marijuana in itself does not constitute reasonable suspicion or probable cause and shall not be used as a basis to support a stop or search of a person or motor vehicle.

(2) A law enforcement officer may test for impairment based on the odor of marijuana if the officer reasonably suspects the operator of a motor vehicle or boat to be under the influence of marijuana.

(d) Notwithstanding another law to the contrary:

(1) A person's bail, parole, probation, or suspended sentence shall not be revoked based solely on the detection of marijuana metabolites, including by means of a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol);

(2) A governmental entity acting in its capacity as a public employer shall not take adverse action against an employee based solely on the detection of marijuana metabolites, including by a positive confirmatory urine drug test

conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol); and

(3) A person shall not be required to receive a referral to a treatment resource or be prohibited from receiving public assistance based solely on the detection of marijuana metabolites, including by a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol). For purposes of this subdivision (d)(3), "public assistance" includes, but is not limited to, assistance from the special supplemental food program for women, infants, and children; temporary assistance for needy families (TANF); medicaid; the supplemental nutrition assistance program (SNAP); and other public assistance or welfare programs under title 71.

SECTION 4. Tennessee Code Annotated, Section 39-17-417(g)(1), is amended by deleting the following language:

containing not less than one-half ( $\frac{1}{2}$ ) ounce (14.175 grams) nor more than ten pounds (10 lbs.) (4535 grams) of marijuana

and substituting instead the following:

containing more than one (1) ounce (28.35 grams) but less than ten pounds (10 lbs.) (4535 grams) of marijuana

SECTION 5. Tennessee Code Annotated, Section 39-17-418(a), is amended by deleting the language "It is an offense" and substituting instead the language "Except as provided in Section 3, it is an offense".

SECTION 6. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection and substituting instead the following:

It is an offense for a person to sell a small amount of marijuana not in excess of one (1) ounce (28.35 grams).

SECTION 7. This act takes effect July 1, 2023, the public welfare requiring it.