

HOUSE BILL 1610

By Staples

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 39, Chapter 17, Part 4; Title 40; Title 53; Title 67 and Title 68, relative to marijuana.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-418(a), is amended by adding the language "other than marijuana" immediately after the language "knowingly possess or casually exchange a controlled substance".

SECTION 2. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) It is an offense for a person to distribute marijuana to a minor in an amount that is less than one-half ( $\frac{1}{2}$ ) ounce (14.175 grams).

SECTION 3. Tennessee Code Annotated, Section 39-17-418(d), is amended by adding the language ", or a distribution of marijuana," immediately before the language "to a minor from an adult".

SECTION 4. Tennessee Code Annotated, Section 39-17-417(a), is amended by deleting the language "It is an offense for a defendant to knowingly" and substituting instead the language "Except as provided in § 39-17-441, it is an offense for a defendant to knowingly".

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

**39-17-441.**

(a) Notwithstanding § 39-17-417, a person or entity is authorized to grow, process, manufacture, deliver, sell, or possess marijuana with the intent to grow, process, manufacture, deliver, or sell marijuana in any county in this state that has

approved, in accordance with this section, the growing, processing, manufacture, delivery, and sale of marijuana within the county.

(b) The growing, processing, manufacture, or sale of marijuana is only authorized to be conducted at locations in compliance with local zoning regulations and by persons or entities who have secured a valid business license from the local governmental authority.

(c)

(1) The legislative body of a county shall call and direct the county election commission to hold an election to authorize persons and entities to operate and conduct marijuana-related businesses within the county upon:

(A) The adoption by the legislative body by majority vote of a resolution calling for a referendum election on the question; or

(B) Upon the filing with the legislative body of a petition bearing the genuine signatures of ten percent (10%) or more of the qualified voters of the county, based upon the number of votes cast in the last preceding presidential election by the county's qualified voters. The petition must be addressed to the legislative body and must contain language sufficient to specifically request that the legislative body call an election of the qualified voters of the county upon the question of authorizing persons and entities to operate and conduct marijuana-related businesses within the county.

(2) If a majority of the qualified voters of a county voting in an election held under subsection (a) vote in favor of approving persons and entities to operate and conduct marijuana-related businesses within the county in accordance with subdivision (c)(1):

(A) A person or entity may operate and conduct a marijuana-related business within the county in accordance with this section and regulations promulgated by the county; and

(B) The legislative body of the county shall notify the commission of the election results.

(3) An election called under subdivision (c)(1) may be held at a special or general election.

(4) Not more than one (1) election in any county is authorized to be held under this section within any period of twenty-four (24) months.

(5) For purposes of this subsection (c), "marijuana-related business" means a business conducting the growing, processing, manufacture, delivery, or sale of marijuana.

(d) Marijuana may only be sold in accordance with this section from a retail location.

(e) The retail sale of marijuana shall be taxed at the rate levied on the sale of tangible personal property at retail by § 67-6-202.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.