

HOUSE BILL 2779

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 33 and Title 71, relative to expanding
medicaid to provide mental health services.

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

SECTION 1. Tennessee Code Annotated, Section 71-5-126, is amended by deleting the section and substituting instead the following:

(a) Except as provided in subsection (b), the governor shall not make a decision or obligate the state of Tennessee in a way with regard to the expansion of optional enrollment in the medical assistance program, also known as the medicaid program, pursuant to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as interpreted by the United States supreme court in *National Federation of Independent Business v. Sebelius*, to be unconstitutional when applied to states as a mandatory expansion, unless authorized by joint resolution of the general assembly.

(b) The governor may expand medicaid eligibility based on age, income, or other appropriate demographic factors solely for mental health prevention and treatment in accordance with the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148. For the purposes of this subsection (b), the governor may negotiate with the centers for medicare and medicaid services with respect to the terms of medicaid expansion.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.