

SENATE BILL 153

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 8; Title 37; Title 38; Title 39; Title 40; Section 49-6-4213; Title 49, Chapter 5; Title 50; Section 63-1-126 and Title 71, relative to cannabis.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "adverse action" means to discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.

(b) Each state and local government entity is prohibited from taking adverse action against an employee of the state or local government entity based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "hemp":

(1) Means the plant cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis; and

(2) Includes any hemp-derived products that do not contain more than three-tenths of one percent (0.3%) of delta-9 tetrahydrocannabinol (THC) in a topical or ingestible consumer product.

(b) A rebuttable presumption exists that it is not abuse or neglect of a child for the child's parent or guardian, or any other person authorized by the child's parent or guardian or by a court, to administer hemp to the child by means other than smoking.

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

A court is prohibited from revoking a person's bail based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 4. Tennessee Code Annotated, Title 40, Chapter 28, Part 1, is amended by adding the following as a new section:

The board and the courts are prohibited from revoking a person's probation or parole based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 5. Tennessee Code Annotated, Section 40-35-311, is amended by adding the following as a new subsection:

(g) The court is prohibited from revoking a person's probation and suspension based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 6. Tennessee Code Annotated, Section 49-6-4213, is amended by adding the following as a new subsection:

(n) An LEA, principal, or school counselor is prohibited from disqualifying a student from participation in voluntary extracurricular activities, or providing referral information under subdivision (k)(3), based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 7. Tennessee Code Annotated, Section 50-9-108, is amended by adding the following as a new subsection:

(i) A governmental entity acting in its capacity as a public employer shall not take adverse action against a person based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 8. Tennessee Code Annotated, Section 63-1-126(d), is amended by deleting the first sentence in the subsection and substituting the following:

Any drug test used for action pursuant to this section must comply with the requirements of title 50, chapter 9, including, but not limited to, the requirements of § 50-9-108(i).

SECTION 9. Tennessee Code Annotated, Section 71-3-514, is amended by adding the following as a new subsection:

(g) Any drug testing policy developed pursuant to this section must comply with the requirements of § 50-9-108(i).

SECTION 10. Tennessee Code Annotated, Title 71, Chapter 3, Part 12, is amended by adding the following as a new section:

The department of human services is prohibited from providing a referral to a treatment resource or denying a person temporary assistance for needy families (TANF) benefits based solely on a positive confirmatory urine drug test via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) at the level of thirty-five nanograms per milliliter (35 ng/ml) or less.

SECTION 11. All state and local government entities shall report all analysis of data of positive confirmatory urine drug tests made via GC-MS (gas chromatography mass spectrum) THC-COOH (11-nor-9-carboxy-delta-9-tetrahydrocannabinol) to the office of the comptroller. The office of the comptroller shall submit a report concerning information that it receives pursuant to this section to the judiciary committee of the senate and the judiciary committee of the house of representatives by January 1, 2023.

SECTION 12. This act takes effect upon becoming a law for the purposes of promulgating rules, the public welfare requiring it. This act takes effect July 1, 2021, for all other purposes, the public welfare requiring it.