

SENATE BILL 251

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 63 and Title 68, relative to enacting the "Safe
access to Medical Cannabis Act."

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

SECTION 1. Tennessee Codes Annotated, Title 68, Chapter 1, is amended by adding sections 2 through 11 as a new part 26.

SECTION 2. This part may be known and cited as the "Safe Access to Medical Cannabis Act."

SECTION 3. As used in this part, unless the context requires otherwise:

(1) "Agriculture department" means the department of agriculture or its successor agency;

(2) "Cannabis" means the dried flowers of the female cannabis plant and any mixture or preparation thereof, but does not include seeds, stalks, and roots of the plant;

(3) "Cardholder" means a qualifying patient who has been diagnosed by a practitioner with a qualifying medical condition for participation in the safe access program and who possesses a valid registry identification card;

(4) "Health department" means the department of health or its successor agency;

(5) "Licensed distributor" means an entity licensed and registered under Section 7 that processes, packages, and delivers medical cannabis or related supplies and educational materials to participating pharmacies;

(6) "Licensed producer" means an entity licensed and registered under Section 7 that possesses, cultivates, processes, manufactures, and delivers medical cannabis, or related supplies and educational materials to licensed distributors;

(7) "Medical use" means the acquisition, possession, use, or transportation of cannabis or paraphernalia relating to the consumption of cannabis to alleviate a registered patient's qualifying medical condition or symptoms associated with the medical condition;

(8) "Participating pharmacy" means a licensed pharmacy in Tennessee that applies to be the direct provider of medical cannabis to safe access program cardholders;

(9) "Practitioner" means a person who is licensed with authority to prescribe drugs pursuant to chapter 63, chapters 7 or 19 or a physician licensed with authority to prescribe drugs in Tennessee under title 63, chapters 6 or 9;

(10) "Program identification card" means a document issued by the participating pharmacy that identifies a person as a registered qualifying patient in the safe access program;

(11) "Qualifying medical condition" means:

(A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, or the treatment of these conditions;

(B) A chronic or debilitating disease or medical condition or its treatment that produces one (1) or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or to delay the progression of Amyotrophic Lateral Sclerosis (ALS or Lou Gehrig's Disease);

(C) Any other medical condition that results in enrollment in a hospice program; and

(D) Any other medical condition or its treatment as prescribed by practitioners and approved by the health department;

(12) "Qualifying patient" means a person who has been diagnosed by a practitioner as having an eligible medical condition and is a resident of Tennessee;

(13) "Resident of Tennessee" means a person who is a resident for purposes of eligibility for medical assistance under title 71, chapter 5, part 1; and

(14) "Safe access program enrollment" means that a qualifying patient has received a prescription for medical cannabis from a practitioner, stating that in the practitioner's professional opinion the potential benefits of the medical use of cannabis would likely outweigh the health risks for the qualifying patient. A prescription for medical cannabis and enrollment into the safe access program shall be made only in the course of a bona fide practitioner-patient relationship after the practitioner has completed a full assessment of the qualifying patient's medical history. The prescription and safe access program enrollment completed at the participating pharmacy shall specify the qualifying patient's debilitating medical condition or conditions.

SECTION 4.

(a) A qualifying patient who possesses a safe access program identification card shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or commission for the medical use of cannabis, provided that the qualifying patient is enrolled in the safe access program.

(b) No school, employer or landlord may refuse to enroll, employ, or lease to or otherwise penalize a person solely for his or her status as a cardholder.

(c) Registered qualifying patients shall be allowed to possess a reasonable amount of cannabis, not to exceed one month's supply, as determined by their practitioner.

(d) There shall exist a presumption that a qualifying patient is engaged in the medical use of cannabis if the qualifying patient:

(1) Is in possession of a safe access program identification card; and

(2) Is in possession of an amount of cannabis that does not exceed the amount permitted under this part. Such presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

(e) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege including, but not limited to civil penalty or disciplinary action by the board of medical examiners or by any other business or occupational or professional licensing board or commission of this state solely for providing written certifications or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical cannabis would likely outweigh the health risks for a qualifying patient.

(f) Any interest in or right to property that is possessed, owned, or used in connection with the medical use of cannabis, or acts incidental to such use, shall not be forfeited.

(g) No person shall be subject to arrest or prosecution for constructive possession, conspiracy, aiding and abetting, being an accessory, or any other offense for simply being in the presence or vicinity of the medical use of cannabis as permitted

under this part or for assisting a registered safe access program patient with using or administering cannabis.

(h) A practitioner, nurse, or pharmacist shall not be subject to arrest, prosecution or penalty in any manner or denied any right or privilege including, but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or commission solely for discussing the benefits or health risks of medical cannabis or its interaction with other substances with a patient.

(i) A safe access program identification card or its equivalent issued under the laws of another state, United States territory, or the District of Columbia to permit the medical use of cannabis by a patient with a debilitating medical condition, or to permit a person to assist with the medical use of cannabis by a patient with a debilitating medical condition, shall not have the same force and effect as a safe access identification card issued by the program. These out-of-state patients will be required to be evaluated and recommended for safe access program participation by a practitioner licensed and qualified to do so in Tennessee in order to obtain medical cannabis from the safe access program.

(j) For the purposes of medical care including organ transplants, a registered qualifying patient's authorized use of cannabis shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician and shall not constitute the use of an illicit substance.

SECTION 5.

(a) The program shall issue safe access program identification cards to qualifying patients who receive a prescription for medical cannabis and complete the safe access program enrollment process. Information that patients will provide the safe access program will include the following:

(1) Name, address, and date of birth of the qualifying patient; provided, however, that if the patient is homeless, no address is required; and

(2) Name, address, and telephone number of the qualifying patient's practitioner.

(b) The program shall not issue a registry identification card to a qualifying patient under eighteen (18) years of age, unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of cannabis to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent or guardian having legal custody consents in writing to:

(A) Allow the qualifying patient's medical use of cannabis; and

(B) Control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying patient.

(c) The program shall have the right to verify the information contained in a safe access program application or renewal submitted pursuant to this section and shall approve or deny an application or renewal within thirty (30) days of receiving it. The program may deny a safe access program application or renewal only if the applicant did not provide the information required pursuant to this section or if the program determines that the information provided was falsified. Rejection of a safe access program application or renewal is considered a final program action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the chancery court.

(d) The program shall issue safe access program identification cards at the time of the receipt of the first prescription, which shall expire one (1) year after the date of issuance.

(e) Safe access program identification cards shall contain:

(1) The date of issuance and expiration date of the identification card;

(2) A random program identification number; and

(3) Any additional information as required by regulation or the program.

(f) Persons issued program identification cards shall be subject to the following:

(1) A qualifying patient who has been issued a program identification card shall notify such practitioner of any change in the qualifying patient's name or address or if the qualifying patient ceases to have the qualifying medical condition within thirty (30) days of such change;

(2) A registered qualifying patient who fails to notify such patient's practitioner of any of these changes is subject to a civil penalty of no more than twenty five dollars (\$25.00) to be imposed by the health department. If the person ceases to suffer from a qualifying medical condition, the card shall be deemed void and the person shall be liable for any other penalties that may apply to such person's non-medical use of cannabis;

(3) When a qualifying patient notifies such patient's practitioner of any changes listed in this subsection (f), the practitioner shall issue the patient a new prescription that will be used to update safe access program information at the time it is filled.

(4) When a qualifying patient who possesses a registry identification card changes practitioners, the new practitioner shall assume responsibility for the patient's safe access program participation and shall issue a new prescription to update the patient's safe access program information to reflect that change. No more than one (1) prescription from one (1) practitioner will be allowed for safe access participants;

(5) If a cardholder loses the registry identification card, such person shall notify their practitioner or participating pharmacy and submit a ten dollar (\$10.00) fee to receive a replacement card; and

(6) If a cardholder willfully violates any provision of this part as determined by the program, the program identification card may be revoked.

(g) Possession of or application for a program identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the program identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

(h)

(1) Safe access program identification cards and supporting information submitted by qualifying patients, including information regarding their practitioners, are confidential and protected under the federal Health Insurance Portability and Accountability Act of 1996.

(2) The program shall maintain a confidential list of the safe access program participants whose practitioners have enrolled them in

the program and to whom the program has issued program identification cards. Individual names and other identifying information on the list shall be confidential, shall be exempt from the public record provisions of title 10, chapter 7, part 5, and shall not be subject to disclosure, except to authorized employees of the program as necessary to perform official duties of the program.

(i) The program shall verify to law enforcement personnel whether a safe access identification card is valid solely by confirming the program identification number.

(j)

(1) It shall be an offense, punishable as a class B misdemeanor solely by a one thousand dollar (\$1,000) fine, for any person, including an employee or official of the program or its licensees or another state agency or local government, to breach the confidentiality of information obtained pursuant to this part.

(2) Notwithstanding subdivision (j)(1), the safe access program employees may notify law enforcement about falsified or fraudulent information submitted to the program.

(k) On or before January 1 of each odd numbered year, the program shall report to the member of the general assembly on the performance of the safe access program. The report shall provide:

(1) The number of patients enrolled in the safe access program, the nature of the debilitating medical conditions of these patients and the number of practitioners providing safe access program, enrollment for qualifying patients;

(2) An evaluation of the costs and benefits of the safe access program for patients, practitioners, and the general public; including any costs and benefits to law enforcement agencies, the courts, and hospitals;

(3) Statistics regarding the number of cannabis-related prosecutions against registered patients and caregivers and an analysis of the facts underlying those prosecutions;

(4) Statistics regarding the number of prosecutions against practitioners for violations of this part; and

(5) Changes in national policy and practice associated with influencing the access of qualified patients to medical cannabis.

(l) The application for qualifying patients' program identification card shall include a statement indicating that the program may contact them to obtain information about safe access program participation, including their experiences with using medical cannabis, in a systematic effort to inform future safe access program policies and practices.

SECTION 6.

(a) This part shall not permit:

(1) Any person to undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice;

(2) The ingestion of cannabis:

(A) In a school bus or other form of public transportation;

(B) On any school grounds;

(C) In any correctional facility;

(D) In any public place;

(E) In any licensed substance abuse treatment facility in this state;

or

(F) Where exposure to the cannabis smoke significantly adversely affects the health, safety, or welfare of children; or

(3) Any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of cannabis.

However, a registered qualifying patient shall not be considered to be under the influence solely for having cannabis metabolites in such person's system.

(b) Nothing in this part shall be construed to require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; or

(2) An employer to accommodate medical cannabis in any workplace.

(c) Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution shall be a Class C misdemeanor punishable by a fine only of five hundred dollars (\$500) which shall be in addition to any other penalties that may apply for making a false statement for the non-medical use of cannabis.

SECTION 7.

(a) A licensed producer registered under this section may possess, cultivate, harvest, and deliver cannabis or related products to a licensed distributor. Licensed producers shall be under the direct supervision of the agriculture department.

(b) A licensed distributor registered under this section may possess, process, package, and deliver cannabis or related products to participating pharmacies. Licensed distributors shall be under the direct supervision of the agriculture department.

(c)

(1) A participating pharmacy is the point of distribution of medical cannabis to safe access program participants and is a pharmacy licensed and registered in Tennessee that has been enrolled into the safe access program. Participating pharmacies shall be under the direct supervision of the board of pharmacy.

(2) Except as specifically provided to the contrary, this part applies to a licensed producer, licensed distributor, or participating pharmacy.

(d)

(1) Not later than one hundred twenty (120) days after the effective date of this part, the commissioner of health shall promulgate rules and regulations governing how it shall consider applications for registration certificates for licensed producers, licensed distributors, and participating pharmacies, including:

- (A) The form and content of registration and renewal applications;
- (B) Minimum oversight requirements for these entities;
- (C) Minimum record-keeping requirements for these entities;
- (D) Minimum security requirements for these entities; and
- (E) Procedures for suspending or terminating the registration of

these entities that violate this section or the regulations promulgated pursuant to this subsection(d).

(2) Within one hundred twenty (120) days of the effective date of this part, the program shall begin accepting applications for the operation of licensed producers, licensed distributors, and participating pharmacies.

(3) Within one hundred eighty (180) days of the effective date of this part, the program shall provide for at least one (1) public hearing on the granting of an

application to at least one (1) licensed producer, one (1) licensed distributor, and one (1) participating pharmacy.

(4) Within two hundred ten (210) days of the effective date of this part, the program shall grant at least one (1) certificate to a licensed producer, licensed distributor, and participating pharmacy, providing at least one (1) applicant in each category has applied who meets the requirements of this part.

(5) Within two hundred seventy (270) days of the effective date of this part, the program shall begin accepting applications to provide registration certificates for additional licensed producers, licensed distributors, and participating pharmacies. The program shall solicit input from the public, and issue registration certificates if qualified applicants who are needed to serve the needs of safe access program patients exist.

(6) If the need warrants at any time within five hundred forty (540) days after the effective date of this part, the program shall accept applications for new licensed producers, licensed distributors, and participating pharmacies to meet the identified and anticipated needs of safe access program participants.

(e)

(1) Each application for a licensed producer or distributor shall include:

(A) A non-refundable application fee paid to the program in the amount of two hundred fifty dollars (\$250);

(B) The proposed legal name and proposed articles of incorporation of the licensed producer or distributor;

(C) The proposed physical address of the licensed producer or distributor, if a precise address has been determined, or, if not, the

general location where it would be located. This may include a second location for the cultivation of medical cannabis;

(D) A description of the enclosed, locked facility that would be used in the cultivation of cannabis;

(E) The name, address, and date of birth of each principal officer and board member of the licensed producer or distributor;

(F) Proposed security and safety measures which shall include at least one (1) security alarm system for each location, planned measures to deter and prevent the unauthorized entrance into areas containing cannabis and the theft of cannabis, as well as a draft employee instruction manual including security policies, safety and security procedures, personal safety and crime prevention techniques; and

(G) Proposed procedures to ensure accurate record keeping.

(2) Any time one (1) or more licensed producer or distributor registration applications are being considered, the program shall also allow for comment by the public and shall solicit input from registered qualifying patients, potential patients, practitioners, and the towns or cities where the applicants would be located.

(3) Each time a licensed producer or distributor certificate is granted, the decision shall be based upon an assessment of the licensed producer's or licensed distributor's ability to serve the overall health needs of safe access program patients and the safety of the public, including, but not limited to, the following factors:

(A) Convenience to patients from throughout the state if the applicant were approved;

(B) The applicants' ability to provide a steady supply to the registered qualifying patients in the state;

(C) The applicants' experience running a non-profit or business;

(D) The wishes of the city or town where the dispensary is located;

(E) The sufficiency of the applicant's plans for record keeping and security, which records shall be considered confidential information under state law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended; and

(F) The sufficiency of the applicant's plans for safety and security, including proposed location, security devices employed, and staffing.

(4) After a licensed producer or distributor is approved, but before it begins operations, it shall submit the following to the program:

(A) A fee paid to the program in the amount of one thousand dollars (\$1,000);

(B) The legal name and articles of incorporation of the licensed producer or distributor;

(C) The physical address of the licensed producer or distributor, which may include a second address for the secure cultivation of cannabis;

(D) The name, address, and date of birth of each principal officer and board member of the licensed producer or distributor;

(E) The name, address, and date of birth of any person who will be an agent of or employed by the licensed producer or distributor at its inception;

(F) A signed and notarized agreement to be trained, supervised, and monitored by safe access program staff or their contractors.

(5) The program shall track the performance of licensed producers and distributors and issue a written statement of performance to them on a regular basis. Licensed producers and distributors will be expected to maintain compliance with all safe access program regulations and requirements at all times.

(6) Except as provided in subdivision (7), the program shall issue each principal officer, board member, agent, volunteer, and employee of a licensed producer or distributor a registry identification card or renewal card within thirty (30) days of receipt of the person's name, address, date of birth, and a fee in an amount established by the program. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of these entities and shall contain the following:

(A) The name, address, and date of birth of the principal officer, board member, agent, volunteer, or employee;

(B) The legal name of the licensed producer or distributor with which the principal officer, board member, agent, volunteer, or employee is affiliated;

(C) A random identification number unique to the cardholder;

(D) The date of issuance and expiration date of the registry identification card;

(E) A photograph, if the program decides to require one; and

(F) Verification that the principal officer, board member, agent, volunteer, or employee has completed a background check by the Tennessee bureau of investigation.

(7) Except as provided in this subsection (e), the program shall not issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of a licensed producer or distributor who has been convicted of a felony drug offense. The program may conduct a background check of each principal officer, board member, agent, volunteer, or employee in order to carry out this provision. The program shall notify the licensed producer or distributor in writing of the purpose for denying the registry identification card. The program may grant such person a registry identification card if the program determines that the offense was for conduct that occurred prior to the enactment of this part or that was prosecuted by an authority other than this state and for which this part would otherwise have prevented a conviction.

(8) A registry identification card of a principal officer, board member, agent, volunteer, or employee shall expire one (1) year after its issuance, or upon the expiration of the registered organization's registration certificate, whichever occurs first.

(f)

(1) A licensed producer or distributor's registration shall expire two (2) years after its registration certificate is issued. The licensed producer or distributor may submit a renewal application beginning sixty (60) days prior to the expiration of its registration certificate.

(2) The program shall grant a licensed producer or distributor's renewal application within thirty (30) days of its submission if these conditions are satisfied:

(A) The licensed producer or distributor submits the materials required under subdivision (e)(4), including a one thousand dollar (\$1,000) fee; and

(B) The program has not ever suspended the licensed producer or distributor's registration for violations of this part or rules and regulations issued pursuant to this part;

(3) If the program determines that any of the conditions listed in subdivision (f)(2) exist to merit review or suspend a license, the program shall begin an open application process for the operation of a licensed producer or distributor. In granting a new registration certificate, the program shall consider factors listed in subdivision (e)(3).

(4) The program shall issue a licensed producer or distributor one (1) or more thirty-day temporary registration certificates after that licensed producer or distributor's registration would otherwise expire if these conditions are satisfied:

(A) The licensed producer or distributor previously applied for a renewal, but the program had not yet come to a decision;

(B) The licensed producer or distributor requested a temporary registration certificate; and

(C) The licensed producer or distributor has not had its registration certificate revoked due to violations of this part or rules and regulations issued pursuant to this part.

(g) Licensed producers and distributors are subject to reasonable inspection by the health department and the agriculture department at any time. The respective department shall give reasonable notice of an inspection under this subsection (g). During an inspection, the department may review the licensed producer or distributor's confidential records, including its dispensing records, which may track transactions according to qualifying patients' registry identification numbers to protect their confidentiality.

(h)

(1) A licensed producer or distributor shall be operated for the mutual benefit of Tennessee patients. A licensed producer or distributor need not be recognized as a tax-exempt organization by the internal revenue service.

(2) A licensed producer or distributor may not be located within five hundred feet (500') of the property line of a preexisting public or private school.

(3) A licensed producer or distributor shall notify the program within thirty (30) days of when a principal officer, board member, agent, volunteer, or employee ceases to work at the licensed producer or distributor. Such person's card shall be deemed void and the person shall be liable for any other penalties that may apply to the person's non-medical use of cannabis.

(4) A licensed producer or distributor shall notify the program in writing of the name, address, and date of birth of any new principal officer, board member, agent, volunteer, or employee and shall submit a fee in an amount established by the program for a new registry identification card before a new agent or employee begins working at the licensed producer or distributor.

(5) A licensed producer or distributor shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing

cannabis and the theft of cannabis and shall insure that each location has an operational security alarm system.

(6) The operating documents of a licensed producer or distributor shall include procedures for the oversight of the licensed producer or distributor and procedures to ensure accurate record keeping.

(7) A licensed producer or distributor is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing cannabis for any purpose except to assist registered safe access program patients.

(8) All principal officers and board members of a licensed producer or distributor must be residents of the state of Tennessee.

(9) Each time a new registered qualifying patient visits a participating pharmacy, the participating pharmacy shall provide the patient with materials designed by the program to answer frequently asked questions and which explain the limitations on the right to use medical cannabis under this part.

(10) Each licensed producer or distributor shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(A) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualification, and supervision; and

(B) Training in and adherence to state confidentiality laws.

(11) Each licensed producer or distributor shall maintain a personnel record for each employee and each volunteer that includes an application for employment or to volunteer and a record of any disciplinary action taken.

(12) Each licensed producer or distributor shall develop, implement, and maintain on the premises an on-site training curriculum or enter into contractual relationships with outside resources capable of meeting employee training needs, which includes, but is not limited to, the following topics:

(A) Professional conduct, ethics, and patient confidentiality; and

(B) Informational developments in the field of medical cannabis.

(13) Each licensed producer or distributor entity shall provide each employee and each volunteer, at the time of his or her initial appointment, training in the following:

(A) The proper use of security measures and related procedures;

and

(B) Specific instructions on how to respond to all emergencies.

(14) All licensed producers or distributors shall prepare training documentation on the safe access program for each employee and have employees sign a statement indicating the date, time, and place the employee received such training and topics discussed, including the name and title of presenters. The licensed producer or distributor shall maintain documentation of an employee's and a volunteer's training for a period of at least six (6) months after termination of an employee's employment or the volunteer's volunteering.

(i)

(1) No registered licensed producer or distributor shall be subject to prosecution; search, except by the program pursuant to subsection (g); seizure; or penalty in any manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for acting in accordance with this

section to produce or distribute medical cannabis through the safe access program.

(2) No principal officers, board members, agents, volunteers, or employees of a registered licensed producer or distributor shall be subject to arrest, prosecution, search, seizure, or penalty in any manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with a licensed producer or distributor to engage in acts permitted by this section.

(j)

(1) A licensed producer may not dispense, deliver, or otherwise transfer cannabis to any person or entity other than a licensed distributor.

(2) A licensed distributor may not dispense, deliver, or otherwise transfer medical cannabis to any person or entity other than a participating pharmacy.

(3) A participating pharmacy may not disperse, deliver, or otherwise transfer medical cannabis other than to a safe access program participant or the participant's designee.

(4) A person found to have violated subdivisions (j)(1), (j)(2) or (j)(3) may not be an employee, agent, principal officer, or board member of any licensed producer or distributor, and such person's registry identification card shall be revoked.

(5) No person who has been convicted of a felony offense under title 39, chapter 17, part 4, may be the principal officer, board member, agent, volunteer, or employee of a licensed producer or distributor unless the program has determined that the person's conviction was for the medical use of cannabis or

assisting with the medical use of cannabis and issues the person a registry identification card as provided under subdivision (e)(7). A person who is employed by or is an agent, principal officer, or board member of a licensed producer or distributor in violation of this section is guilty of a class C misdemeanor punishable by a fine only of up to one thousand dollars (\$1,000). A subsequent violation of this section is a class B misdemeanor:

SECTION 8.

(a) The general assembly shall appoint a thirteen-member select oversight committee on medical marijuana comprised of: two (2) members of the house of representatives; two (2) members of the senate; two (2) physicians to be selected from a list provided by the Tennessee Medical Association; two (2) nurses to be selected from a list provided by the Tennessee Nurses Association; one (1) pharmacist to be selected from a list provided by the Tennessee board of pharmacy; two (2) registered qualifying patients; one (1) patient advocate to be selected from a list provided by a Tennessee Patient Advocacy Coalition; and one (1) representative of the law enforcement community.

(b) The oversight committee shall meet at least three (3) times per year for the purpose of evaluating and making recommendations to the general assembly regarding:

- (1) Tennessee patients' access to medical cannabis;
- (2) Performance of licensed producers, licensed distributors, and participating pharmacies;
- (3) Physician participation in the safe access program;
- (4) Additions to the list of qualifying medical conditions;
- (5) Research studies relevant to medical cannabis

(c) On or before January 1 of every even numbered year, the oversight committee shall report to the general assembly on its findings.

SECTION 9. In accordance with this part, §§ 39-17-417 and 39-17-418, relating only to possession of marijuana, and § 39-17-425, relating only to the cultivation of marijuana, shall not apply to persons authorized to possess and cultivate marijuana

SECTION 10. Any section of this part being held invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

SECTION 11. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.