

SENATE BILL 2588

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 62
and Title 63, relative to advisory opinions.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 1, is amended by adding the following as a new section:

(a) All state entities that are created under this title and administratively attached to the division of professional regulatory boards must issue advisory private letter rulings to any affected person who is certified, licensed, or registered by such state entities and who makes such a request regarding any matters within the state entities' primary jurisdiction. The private letter ruling only affects the person making the inquiry and shall have no precedential value for any other inquiry or future contested case to come before the state entity. Any dispute regarding a private letter ruling may be resolved pursuant to the declaratory order provisions of § 4-5-223 if the board chooses to do so.

(b) The commissioner of health shall promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) All state entities that are created under this title and administratively attached to the division of health related boards must issue advisory private letter rulings to any affected person who is certified, licensed, or registered by such state entities and who makes such a request regarding any matters within the state entities' primary jurisdiction.

The private letter ruling only affects the person making the inquiry and shall have no precedential value for any other inquiry or future contested case to come before the state entity. Any dispute regarding a private letter ruling may be resolved pursuant to the declaratory order provisions of § 4-5-223 if the board chooses to do so.

(b) The commissioner of health shall promulgate rules to effectuate this section.

The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. Tennessee Code Annotated, Section 63-3-202, is amended by deleting subdivision (b)(2).

SECTION 4. Tennessee Code Annotated, Section 63-4-103, is amended by deleting subdivision (4).

SECTION 5. Tennessee Code Annotated, Section 63-6-101, is amended by deleting subdivision (a)(4).

SECTION 6. Tennessee Code Annotated, Section 63-7-207, is amended by deleting subdivision (15).

SECTION 7. Tennessee Code Annotated, Section 63-24-111, is amended by deleting subdivision (a)(7).

SECTION 8. Tennessee Code Annotated, Section 63-27-104, is amended by deleting subsection (b).

SECTION 9. Tennessee Code Annotated, Section 63-30-113, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Section 63-31-104, is amended by deleting subdivision (8).

SECTION 11. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2024, the public welfare requiring it.