



Tennessee Senate

PUBLIC CHAPTER NO. 944

SENATE BILL NO. 2588

By Taylor, Haile, Jackson, Lowe

Substituted for: House Bill No. 2097

By Vaughan, Todd, Hardaway, White

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 and programs that are administratively attached to the division of regulatory boards must issue advisory private letter rulings to any affected person who is certified, licensed, or registered by such state entities or under such programs, as applicable, and who makes such a request regarding any matters within the state entities' or under such program's 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 or under such program. 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. The division of regulatory boards may prescribe a fee for the issuance of an advisory private letter ruling by rule promulgated in accordance with subsection (b).

(b) The commissioner of commerce and insurance 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.

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PASSED: April 22, 2024




RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6th day of May 2024



BILL LEE, GOVERNOR