

SENATE BILL 2591

By Norris

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 3; Section 39-17-415; Section 43-1-701; Title 43, Chapter 26 and Title 44, Chapter 18, relative to farming.

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

SECTION 1. Tennessee Code Annotated, Section 43-26-103, is amended by deleting subsections (a) – (d) and substituting the following, and redesignating subsections (e) and (f) as subsections (b) and (c):

(a) It is a rebuttable presumption that a farm or farm operation is not a public or private nuisance. The presumption created by this subsection (a) may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either:

(1) The farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or

(2) The farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or rule, including without limitation statutes and rules administered by the department of agriculture or the department of environment and conservation.

SECTION 2. Tennessee Code Annotated, Section 39-17-415(c), is amended by replacing the cross reference to “§ 43-26-103(f)” with a cross reference to “§ 43-26-103(c)”.

SECTION 3. Tennessee Code Annotated, Section 43-1-701(b)(7), is amended by replacing the cross reference to “Section 43-26-103(e)” with a cross reference to “Section 43-26-103(b)”.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring
it.