

SENATE BILL 2937

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 38,
relative to investigations of certain events.

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

SECTION 1. Tennessee Code Annotated, Section 38-7-109, is amended by adding the following new subsection:

(1) The medical examiner's office or regional forensic center must ascertain and document the deceased individual's prescription drug history for the past ten (10) years and current psychotropic drug use, including, but not limited to, medical records, and any blood, tissue, or other tests as necessary to ascertain the presence of any therapeutic levels of psychotropic drugs in the deceased individual.

(2) The medical examiner's office or regional forensic center must disclose the psychotropic drug use of the individual to the public, including results of any forensic testing, to ensure accurate vital statistics relating to homicides and suicides.

(3) The medical examiner's office or regional forensic center must annually compile and provide to the Tennessee bureau of investigation data on psychotropic drug use obtained through this disclosure process. By February 1 of each year, the Tennessee bureau of investigation must publish the data on its website for the previous calendar year to contribute to greater transparency and understanding of the potential correlation between psychotropic drug use and incidents resulting in death.

(4) As used in this subsection (), "psychotropic drug" means a medication prescribed for the treatment of mental and behavioral health conditions or a drug prescribed for any condition that exercises a direct effect upon the central nervous

system and that is capable of influencing and modifying mood, perceptions, and behavior, including, but not limited to:

- (A) Agents for control of mania and depression;
- (B) Antidepressants;
- (C) Antipsychotics;
- (D) Anxiolytics;
- (E) Hypnotics;
- (F) Mood stabilizers;
- (G) Psychomotor stimulants; and
- (H) Stimulants.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following new section:

38-8-135.

(a) As used in this section, "behavioral health vendor" means an external entity or service provider offering behavioral and mental health-related services, including, but not limited to, counseling, mental health assessments, or training programs.

(b) A law enforcement agency shall not engage a behavioral health vendor in an investigation directly related to a behavioral health incident involving a mass shooting or suicide.

(c) Behavioral health vendors shall not participate in the assessment, counseling, or evaluation of police officers or evaluate evidence in a behavioral health incident involving a mass shooting or suicide that falls within the scope of the vendor's services.

(d) In an investigation of an individual due to an incident that led to the individual's own death or the death of others, the investigating law enforcement agency

must determine the individual's prescription drug history for the past ten (10) years and current psychotropic drug use, including, but not limited to, obtaining medical records and performing or requesting any blood, tissue, or other tests as necessary to ascertain the presence of any therapeutic levels of psychotropic drugs.

(e) In a case in which a behavioral health assessment was conducted on a victim or a criminal suspect prior to a behavioral health incident involving a mass shooting or suicide, an independent procedure of record review and retention must be conducted as part of the investigation by a professional who is not affiliated with the involved behavioral health vendor or industry.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.