



THE INFORMANT NEWSLETTER

A biweekly newsletter for the Tennessee constituent

TN Bills 03/21/18–04/23/18

HJR0065—“Supports use of government-approved marijuana plant products for medicinal purposes if approved by physician based on medical evidence.”

Bill Introduced: 03/21/17 Latest Action: Deferred to Summer Study in Health Committee.

Bill Contents: Supports use of government-approved marijuana plant products for medicinal purposes if approved by physician based on medical evidence

Bill Text: <https://legiscan.com/TN/text/HJR0065/id/1488122/Tennessee-2017-HJR0065-Draft.pdf>

Bill Summary: The goal of HJR0065 is to allow physicians to prescribe pharmaceutical marijuana for medicinal purposes in the state of Tennessee. The text cites the fact that the U.S. FDA has already approved certain dosages of medical marijuana to be used for therapy as its reasoning for legalization.

Bill Impact: There has been a growing movement in the past couple years towards legalization of marijuana for medicinal purposes. Currently, 30 states have legalized medical marijuana (<https://medicalmarijuana.procon.org/view.resource.php?resourceID=000881>). Proponents of legalization argue that this could help reduce the opioid crisis in Tennessee, citing facts such as 93% of individuals prefer medical marijuana over opioid prescriptions (<https://www.sciencealert.com/93-of-patients-prefer-cannabis-over-opioids-for-managing-their-pain-according-to-new-study>). However, critics argue that legalizing medicinal marijuana will lead to abuse of the drug and the system. In many states which already have legalized medical marijuana, patients have abused their new access to the drug and sold the weed on the black market (<http://www.news-journalonline.com/news/20140330/expect-serious-problems-with-medical-marijuana>).

What do you think?

SB1987 — “As enacted, revises laws governing civil asset forfeiture. — Amends TCA Title 40, Chapter 33, Part 2.”

Bill Passed: 04/23/18

Bill Contents: As enacted, revises laws governing civil asset forfeiture. — Amends TCA Title 40, Chapter 33, Part 2.

Bill Text: <https://legiscan.com/TN/text/SB1987/id/1801256/Tennessee-2017-SB1987-Chaptered.pdf>

Bill Summary: Civil Asset forfeiture refers to the laws and regulations that permit the government to seize assets without filing criminal charges. This bill reforms the Civil Asset Forfeiture laws by allowing the owner of any seized property who was not there at the time of the seizure to contest the seizure at a forfeiture warrant hearing before a judge.

Bill Impact: Before the passage of this bill, if an arrest occurred, the owner of the seized property has no right to be at the forfeiture warrant hearing. Now, the seizing officer is required to send a notice entitled “Notice of Forfeiture Hearing” to the owner. This hearing must take place within 45 days of the seizure of the asset.

What do you think about the policy of Civil Asset Forfeiture?

SJR0554 — “Encourages the bureau of TennCare to improve access to and quality of treatment for eligible Tennessee residents suffering from addiction to opiates and other substances by means of appropriate federal Section 1115 waiver for Medicaid services.”

Bill Engrossed: 03/20/18 Bill Placed on Health Subcommittee: 04/23/18

Bill Contents: Encourages the bureau of TennCare to improve access to and quality of treatment for eligible Tennessee residents suffering from addiction to opiates and other substances by means of appropriate federal Section 1115

waiver for Medicaid services.

Bill Text: <https://legiscan.com/TN/text/SJR0554/id/1712260/Tennessee-2017-SJR0554-Draft.pdf>

Bill Summary: This bill *“encourages the bureau of TennCare to seek an appropriate Section 1115(a) waiver or an appropriate amendment to the existing TennCare II Section 1115 waiver in order to improve access to and quality of treatment for eligible Tennessee residents suffering from addiction to opiates or other substances.”*

Bill Impact: The bill does not specify a specific way of improving access and quality of treatment for individuals suffering from addiction, rather shift the responsibility to TennCare. Potentially, this could be a good bill or ineffective. We will not know until TennCare’s plan for improving access and quality of treatment is revealed.

SB2465—“As enacted, enacts the “Fresh Start Act”.—Amends TCA Title 62, Chapter 76, Part 1 and Title 63, Chapter 1.”

Bill Passed: 04/23/18

Bill Contents: As enacted, enacts the “Fresh Start Act”.—Amends TCA Title 62, Chapter 76, Part 1 and Title 63, Chapter 1.

Bill Text: <https://legiscan.com/TN/text/SB2465/id/1802018/Tennessee-2017-SB2465-Chaptered.pdf>

Bill Summary: The goal of this bill is to help former inmates find work easier. Currently, many jobs in Tennessee require licenses which can be denied to former criminals. SJR0554 requires denials for license renewals based on a prior criminal history to only be allowed when the criminal offense directly relates to an individual’s ability to perform duties associated with the job they are seeking a licensure for, excluding violent felonies.

Bill Impact: In Tennessee, 110 different jobs require licenses (https://www.citizentribune.com/news/local/tennessee-house-approves-fresh-start-act-aiming-to-help-ex/article_ed269ec2-3aca-11e8-96f7-6f09543e080b.html). The possible impact of this bill is a decrease from Tennessee’s 47% recidivism rate

(<https://www.johnsoncitypress.com/Government/2018/04/06/Tennessee-legislature-passes-Fresh-Start-Act-to-assist>).

SB1999 — “As introduced, creates Class B felony of selling, possessing, or manufacturing 15 grams or more of any substance containing fentanyl and Class A felony if the substance contains 150 grams or more of fentanyl. — Amends TCA Title 39, Chapter 13; Title 39, Chapter 14; Title 39, Chapter 15; Title 39, Chapter 16; Title 39, Chapter 17 and Title 40, Chapter 35.”

Bill Introduced: 01/30/18 Senate Finance, Ways, and Means Committee: 04/23/18

Bill Contents: As introduced, creates Class B felony of selling, possessing, or manufacturing 15 grams or more of any substance containing fentanyl and Class A felony if the substance contains 150 grams or more of fentanyl. — Amends TCA Title 39, Chapter 13; Title 39, Chapter 14; Title 39, Chapter 15; Title 39, Chapter 16; Title 39, Chapter 17 and Title 40, Chapter 35.

Bill Text: <https://legiscan.com/TN/text/SB1999/id/1710117/Tennessee-2017-SB1999-Draft.pdf>

Bill Summary: This bill would criminalize making, selling, or simply possessing 15 grams of fentanyl. This offense would become a Class B felony. If the substance has 150+ grams of fentanyl then the felony would become a Class A felony.

Bill Impact: Fentanyl is a pain reliever that is 100x stronger than morphine. According to the TN Department of Health *“Overall, rates of death from drug overdose among Tennesseans have increased 12 percent from 2015 to 2016. Overdose deaths related to fentanyl have dramatically increased 74 percent from 169 to 294 in that time period. The biggest increase in fentanyl deaths is in those aged 25–34, where deaths increased from 42 in 2015 to 114 in 2016* (<https://www.tn.gov/health/news/2017/9/18/increasing-number-of-tennesseans-dying-from-drug-overdoses.html>).”

Fentanyl overdose is obviously a big problem in the state of Tennessee. Will this bill solve the problem?

HB2617 — “As introduced, imposes a gross receipts tax on the sale of opioids. — Amends TCA Title 67.”

Bill Introduced: 02/01/18 Ways & Means Committee: 04/18/18

Bill Contents: As introduced, imposes a gross receipts tax on the sale of opioids.
—Amends TCA Title 67.

Bill Text: <https://legiscan.com/TN/text/HB2617/id/1714823/Tennessee-2017-HB2617-Draft.pdf>

Bill Summary: This bill does not tax the retail consumer of opioids, but the person or company that produces or sells within the state of Tennessee. This tax will be 5% of the person's gross receipts derived from such business.

“The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.”

— Patrick Henry
Founding Father of The United States of America



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