



TAADAS 2019 Legislative Session Recap

Background: The 111th General Assembly convened on Tuesday, January 8, 2019 in an organizational session, which included the election and appointment of new legislative leadership and the appointment of new committee membership. Rep. Glen Casada of Williamson County was elected Speaker and Lt. Governor Randy McNally was re-elected as Speaker in the Senate. On May 2 the General Assembly completed its work for the 2019 legislative session and will stand in recess until January 14, 2020. Some attention will turn to local races as Memphis, Nashville, and Knoxville all have elections this year for mayor and for council positions.

Turmoil for House Leadership: At the end of session, Speaker Casada became embroiled in controversies including: racist text messages sent by Casada's former Chief of Staff, sexually explicit text messages between Casada and his former Chief of Staff, allegations that Casada's office manipulated evidence against a civil rights activist, and reports that Casada exercised poor leadership regarding fiscal responsibility, managing his staff, and ensuring civil and professional conduct in his office and the legislature. Now that Speaker Casada has announced his intention to step down as Speaker in early August, many members of the House Republican Caucus are vying for the position. The situation is very fluid.

FY2019-2020 Budget and New Laws:

Governor's Budget: The Appropriations Bill, [SB1518/HB1508](#), - **Sponsors: Sen. Johnson & Rep. Lamberth** – This bill was Governor Bill Lee's first foray into state budget construction. After the bill's introduction in early March, the total tab came to \$38.55 billion. The state budget reflects the tenth consecutive year of revenue growth. Recurring expenditures match recurring revenues. The state's savings account is increased to \$1.1 billion. The bill also includes a notable program expansion and House funding initiative for \$27.3M to establish the Katie Beckett Program, which would create TennCare funding for all children with certain developmental disabilities regardless of their family's income. The budget for the Department of Mental Health and Substance Abuse services increased to support recovery housing, including the addition of a new staff person to monitor housing issues. The department also got bumps in funding for special projects including:

- \$285,000 in non-recurring funding for women's residential recovery court;
- \$1,000,000 for expanding programs using naltrexone to treat adults in a drug court treatment program; and
- \$500,000 to expand availability of naltrexone in county jails for the treatment of opioid dependence

Medicaid Block Grant – [SB1428/HB1280](#) – Sponsors: Sen. Bailey & Rep. T. Hill – The initial list of sponsors assured that the bill would pass in some form. Under the present law and Tennessee's Medicaid waiver, Tennessee's funding for its TennCare program is based on a per capita funding formula. If Tennessee has an extra person eligible for benefits, the federal and state governments fund the services. This bill directs the commissioner of finance and administration to seek a block grant funding from the federal government where the state would receive a fixed amount of money, presumably with fewer federal strings attached. Any agreement between the state and federal government would have to be approved by a joint resolution of the General Assembly. Any agreement so approved would be the first in the country.

Online Sports Betting – [SB16/HB1](#) – Sponsors: Sen. Dickerson & Rep. Staples – With the May 14, 2018 decision of the US Supreme Court in [Murphy v. NCAA](#) in hand, the General Assembly passed the Tennessee Sports Gaming Act of 2019 to permit online gambling with oversight from a new nine sports wagering advisory council and the existing state lottery corporation. The bill does not authorize any bricks and mortar gambling facility. Several votes seem to turn on recognition that this behavior already happens every day in Tennessee through the Internet; the question is only whether state coffers would benefit. The bill is estimated to generate \$50 million annually in state tax revenue.

Mental Health Transportation – [SB579/HB643](#) – Sponsors: Sen. Gardenhire & Rep. Carter – Prior law and still existing law requires a Sheriff to transport the majority of individuals who are under involuntary hold for psychiatric evaluation. This new statute creates a grant program to help cover the cost that a sheriff's office incurs for such transport. The new statute will also allow sheriffs to contract with third parties to transport individuals who have been deemed by a proper medical authority to be safe for transport without restraints or vehicle security. Any entity receiving grant funds under this law will be subject to audit by the Comptroller's Office.

Unlicensed Practice of Psychotherapy – [SB540/HB995](#) – Sponsors: Sen. Lundberg & Rep. Beck – under this new statute, any unlicensed individual who knowingly practices psychotherapy for mental health disorders (diagnosed or undiagnosed) will be subject to civil liability for illegal practice. Many mental health provider trade associations joined in supporting this bill to prevent unlicensed coaches and other professionals from providing mental health treatment beyond their licensed scope of practice. Several groups are exempt from this provision including: Clergy and Certified Peer Recovery Specialists (CPRS) who are not compensated on a fee-for-service basis, students who are in training and who are supervised by a properly licensed professional, state-contracted mobile service providers, unlicensed individuals working towards licensure with appropriate supervision, and any practitioner working in a homeless shelter, licensed behavioral health residential facility, hospital, or state-owned facility.

Other Items of Note:

Education Savings Accounts – [SB795/HB39](#) – Sponsors: Sen. Johnson & Rep. Lamberth - Beginning in the 2020-2021 school year, the family of a public school student is eligible to receive \$7,300 to apply to private school expenditures under Tennessee's school voucher program. Governor Lee and legislative supporters obtained votes by opting most cities out of the bill. House Speaker Glen Casada proved to be a key vote wrangler on the House floor as he obtained the 50th vote needed for House passage by promising Representative Jason Zachary of Knox County that the final bill would not affect his home county. As promised, the final bill only applies to Shelby and Davidson counties.

No hand held phones while driving – [SB173/HB164](#) – Sponsors: Sen. Swann & Rep. Holsclaw - This bill expands the offense of distracted driving by prohibiting the use of a hand held telecommunications device while driving. A driver may still drive with the driver's hands free technology in use. A violation is a Class C misdemeanor punishable only by a \$50 fine. The effective date is July 1, 2019.

Bills That Did Not Pass:

Medical Marijuana – [SB486/HB637](#) – Sponsors: Sen. Bowling & Rep. Travis - The push for medical marijuana did not gain much traction this year, with leadership in both chambers steering away from the issue for the time being. The bill will be back in the coming session, and with public and legislative support for medical marijuana on the rise, it will likely become a top issue in coming years. Prior to the breakout of the May 2019 controversies, Speaker Casada issued a report that his Williamson Country district was overwhelmingly growing in support of medicinal cannabis usage, indicating the political tide may be turning with senior policy makers.

Pregnancy Criminalization – [SB659/HB1168](#) – Sponsors: Sen. Bowling & Rep. Weaver – This bill became a study in the legislative process. As originally introduced, TAADAS and other advocacy groups opposed the bill. With time and an amendment, the bill passed but in a totally rewritten form that only made criminal the possession and distribution of childlike sex dolls.

Predictions for 2020 Legislative Issues: With the House leadership in turmoil and transition, those personality driven issues will dominate the headlines in the typically sleepy legislative days of summer. In early August, 2019, Nashville will host the National Conference of State Legislatures. Early program speakers include Tennessee's own Dolly Parton and Jon Meacham. Governor Lee with his appointment of a Criminal Justice Task Force indicates that these issues are significant ones for the 2020 session. Commissioner Marie Williams is a member. Abortion will continue to be a divisive issue and a topic of legislative debate. 2020 is an election year, and that always colors legislative decision making. 2020 sees all 99 state house seats up for election and the sixteen even numbered state senate districts.