

HOUSE BILL 2641

By Terry

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 39, Chapter 17; Title 63; Title 67 and Title 68,
Chapter 7, relative to medical cannabis.

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

SECTION 1. Tennessee Code Annotated, Section 68-7-101(5), is amended by adding the following as new subdivisions:

() Intractable pain, chronic pain, or neuropathic pain to include trigeminal neuralgia;

() Any other disease or condition recommended by the commission pursuant to rules promulgated by the commission;

SECTION 2. Tennessee Code Annotated, Section 68-7-101, is amended by adding the following as new subdivisions:

() "Acceptable form of medical cannabis":

(A) Means oils, tinctures, patches, sprays intended for sublingual or buccal administration, capsules, pills, suppositories, ointments, lotions, lozenges, liquids, and vapors; other portions of the cannabis plant; and any mixture or preparation thereof that is concealed in its manufacturer's original packaging and labeling from an approved state and that meets labeling and other specifications as determined by the commission in rule; and

(B) Does not include dried leaves, flowers, seeds, roots, stems, stalks, or fan leaves;

() "Approved state" means the states of Arkansas, Delaware, Missouri, Ohio, Oklahoma, Rhode Island, and Utah and any other state approved by the commission;

() "Designated caregiver" means a resident of this state who has agreed to assist with a qualified patient's medical use of cannabis, has a designated caregiver identification card, and meets the requirements of § 68-7-218;

() "Designated caregiver identification card" means a document issued by the commission that identifies a person as a designated caregiver;

() "Good faith belief":

(A) Means reasonable reliance on a fact, or that which is held out to be factual, without intent to deceive or be deceived and without reckless or malicious disregard for the truth;

(B) Does not include a belief formed with gross negligence; and

(C) May be based on one (1) or more of the following:

(i) Observed conduct, behavior, or appearance;

(ii) Information reported by a person believed to be reliable, including, without limitation, a report by a person who witnessed the use or possession of medical cannabis or medical cannabis paraphernalia by an applicant or employee in the workplace;

(iii) Written, electronic, or verbal statements from the person in question or other persons;

(iv) Lawful video surveillance;

(v) A record of a government or law enforcement agency or a court;

(vi) A positive test result for marijuana or delta-9 tetrahydrocannabinol (THC);

(vii) A warning label, usage standard, or other printed material that accompanies instructions for medical cannabis;

(viii) Information from a physician, medical review officer, or a dispensary;

(ix) Information from reputable reference sources in print or on the internet; or

(x) Other information reasonably believed to be reliable or accurate;

() "Manufacturer's original packaging and labeling" means packaging and labeling that is compliant with the laws of the approved state, which includes seed-to-sale tracking, and the manufacturer, cultivator, processor, or distributor who packaged or labeled the acceptable form of medical cannabis is licensed by the appropriate oversight body in the approved state where the product is purchased;

() "Marijuana" has the same meaning as defined in § 39-17-402;

() "Minor" means an individual younger than eighteen (18) years of age;

() "Possession limit" means the limit of an acceptable form of medical cannabis a qualified patient or designated caregiver may possess at any one (1) time;

() "Qualified patient" means a resident of this state who:

(A) Has been diagnosed by a qualified physician as having a qualifying medical disease or condition; and

(B) Has registered with the commission and received a qualified patient identification card;

() "Qualified patient identification card" means a document issued by the commission that identifies a person as a qualified patient;

() "Qualified physician" means a person who holds an active, valid, and unrestricted license as a physician under title 63, chapter 6, or as an osteopathic physician under title 63, chapter 9;

() "Written certification" means a document created by a qualified physician stating that in the physician's professional opinion, after having completed an assessment of the qualified patient's medical history, medication history, and a face-to-face assessment of the patient's current medical condition, made in the course of a bona fide practitioner-patient relationship, the qualified patient has a qualifying medical disease or condition. A written certification is not a medical prescription order;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 7, is amended by adding the following as a new part:

68-7-201.

(a) A qualified patient or designated caregiver in actual possession of a qualified patient identification card or designated caregiver identification card shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including, without limitation, a civil penalty or disciplinary action by a business, occupational, or professional licensing board or bureau, for the medical use of cannabis in accordance with this chapter if the qualified patient or designated caregiver possesses an amount of cannabis less than or equal to the following:

- (1) Three (3) grams of concentrated product; or
- (2) Three thousand (3,000) milligrams of infused products.

(b)

(1) A qualified patient or designated caregiver is presumed to be lawfully engaged in the medical use of cannabis in accordance with this chapter if the qualified patient or designated caregiver is in actual possession of a qualified patient identification card or designated caregiver identification card and possesses an acceptable form of medical cannabis that does not exceed the amount allowed under subsection (a).

(2) The presumption made in subdivision (b)(1) may be rebutted by evidence the medical cannabis exceeded the allowable amount.

(3) An acceptable form of medical cannabis is the only form allowed for lawful possession.

(c) A person shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including, without limitation, a civil penalty or disciplinary action by a business, occupational, or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of cannabis as allowed under this part or for directly assisting a qualified patient with the medical use of cannabis.

68-7-202.

(a) A school shall not refuse to enroll or otherwise penalize an individual solely for the individual's status as a qualified patient or designated caregiver unless doing so would put the school in violation of federal law.

(b) A landlord shall not refuse to lease to or otherwise penalize an individual solely for the individual's status as a qualified patient or designated caregiver unless doing so would put the landlord in violation of federal law.

68-7-203.

For the purposes of medical care, a qualified patient's authorized use of medical cannabis in accordance with this part is considered the equivalent of the authorized use of another medication used at the direction of a physician and does not constitute the use of an illicit substance.

68-7-204.

(a) An employer shall not discriminate against an applicant or employee in hiring, termination, or any term or condition of employment, or otherwise penalize an

applicant or employee, based upon the applicant's or employee's past or present status as a qualified patient or designated caregiver.

(b) A cause of action shall not be established against an employer based upon, and an employer is not prohibited from, the following actions:

(1) Establishing and implementing a substance abuse or drug-free workplace policy that may include a drug testing program that complies with state or federal law and taking action with respect to an applicant or employee under the policy;

(2) Acting on the employer's good faith belief that a qualified patient:

(A) Possessed, ingested, or otherwise engaged in the use of medical cannabis while on the premises of the employer or during the hours of employment; or

(B) Was under the influence of medical cannabis while on the premises of the employer or during the hours of employment; provided, that a positive test result for marijuana or delta-9 tetrahydrocannabinol cannot provide the sole basis for the employer's good faith belief; or

(3) Acting to exclude a qualified patient from being employed in or performing a safety-sensitive position, as defined in § 50-9-103, based on the employer's good faith belief that the qualified patient was engaged in the current use of medical cannabis.

(c) For reasons other than an applicant's or employee's past or present status as a qualified patient or designated caregiver, the authorized or protected actions of an employer under this subsection (c) include one (1) or more of the following, without limitation:

- (1) Implementing, monitoring, or taking measures to assess, supervise, or control the job performance of an employee;
- (2) Reassigning an employee to different job duties or a different position;
- (3) Placing an employee on paid or unpaid leave;
- (4) Suspending or terminating an employee;
- (5) Requiring an employee to successfully complete a substance abuse program before returning to work; or
- (6) Refusing to hire an applicant for reasons other than being a qualified patient.

(d)

(1) Damages established for an employment discrimination claim based on an applicant's or employee's past or present status as a qualified patient or designated caregiver in violation of this part are limited to the damages available for an employment discrimination claim under state law.

(2) Liability for back pay shall not accrue from a date more than two (2) years prior to the filing of an action.

(3) Damages under this subsection (d) shall not duplicate or increase an award for damages over the statutory limit allowed by state law or federal law existing on January 1, 2022, whichever is lower.

(4) An action based on employment discrimination in violation of this section must be brought within one (1) year of the occurrence of the alleged discrimination.

(5) An individual employee or an agent of the employer, or employee of the agent, is not liable for any violation of this section that the employer is found to have committed.

(6) This subsection (d) does not waive the sovereign immunity of the state of Tennessee.

68-7-205.

A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied custody, visitation, or parenting time solely for conduct allowed under this chapter, nor shall there be:

- (1) A finding of abuse solely for conduct allowed under this chapter; or
- (2) A presumption of neglect or child endangerment for conduct allowed under this chapter.

68-7-206.

(a) An acceptable form of medical cannabis under the possession limits specified in § 68-7-201(a), medical cannabis paraphernalia, lawful property, or interest in lawful property, that is possessed, owned, or used exclusively in connection with the medical use of cannabis as allowed under this part, or property incidental to such use, shall not be seized or forfeited.

(b) Unauthorized forms of medical cannabis or amounts in excess of possession limits may be seized and forfeited.

(c) Medical cannabis not contained in the manufacturer's original packaging and labeling may be seized and forfeited.

68-7-207.

(a) A qualified physician shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including, without limitation, a civil penalty or

disciplinary action by the board of medical examiners or the board of osteopathic examination or by any other business, occupational, or professional licensing board or bureau, solely for providing a written certification.

(b) This section does not prevent the board of medical examiners or the board of osteopathic examination from sanctioning a physician for failing to properly evaluate a patient's medical condition or for otherwise violating the applicable physician-patient standard of care or the corresponding practice acts under title 63.

(c) This section does not require a qualified physician to issue a written certification.

68-7-208.

School personnel are authorized to possess medical cannabis in accordance with title 49, chapter 50, part 16, when obtained for medical use pursuant to this part by a student who is a qualified patient.

68-7-209.

This part does not prohibit the medical use of cannabis or a designated caregiver assisting with the medical use of cannabis in a state-licensed nursing home facility, hospice facility, or assisted-care living facility, if the medical use of cannabis is permitted under federal law.

68-7-210.

(a)

(1) A written certification expires one (1) year from the date of issuance, except that a qualified physician may designate an earlier expiration date.

(2) Notwithstanding subdivision (a)(1), for an application that requires a written certification to be submitted with the application, the certification must have been issued not more than thirty (30) days prior to the submittal.

(b) A written certification must contain the following information to be valid:

(1) The qualified physician's name, as it appears in the records of the board of medical examiners or the board of osteopathic examination;

(2) The physician's license number including the physician's United States drug enforcement agency registration number;

(3) The physician's business address, telephone number, and email address;

(4) The qualified patient's name, address, and date of birth;

(5) The qualified patient's qualifying medical disease or condition;

(6) Statements confirming the following:

(A) The physician:

(i) Met with and examined the qualified patient;

(ii) Reviewed the qualified patient's medical records or medical history;

(iii) Reviewed the qualified patient's current medications and allergies to medications;

(iv) Accessed the patient registry to confirm the patient does not have an active written certification from another qualified physician;

(v) Discussed the qualified patient's current symptoms; and

(vi) Created a medical record for the qualified patient regarding the meeting;

(B) In the opinion of the physician, the qualified patient suffers from the qualifying medical disease or condition; and

(C) In the case of a non-emancipated qualified patient who is a minor, that before certifying the qualified patient, the physician received the written consent of a parent or legal guardian who asserts that the parent or guardian will serve as a primary designated caregiver for the qualified patient; and

(7) The physician's signature and the date the written certification was signed.

(c) In an electronic manner as determined by the commission by rule, the qualified physician shall:

(1) Register with the patient registry, created pursuant to § 68-7-211, as the issuer of the written certification for the qualified patient;

(2) Enter the contents of the physician's written certification into the patient registry, including the patient's qualifying medical disease or condition and the name of the designated caregiver if the qualified patient is a minor;

(3) Update the patient registry no later than seven (7) days after any change is made to the original written certification to reflect such change; and

(4) Deactivate the written certification of the qualified patient and the patient's designated caregiver within the patient registry when the qualified physician determines the patient no longer meets the criteria of a qualified patient.

(d) Prior to issuing the written certification, the physician shall inform the qualified patient, or the patient's parent or legal guardian if the patient is a minor, of the following:

(1) The potential effect that medical cannabis may have on a patient's coordination, motor skills, and cognition, including a warning against operating

heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly; and

(2) Possible limitations placed on Tennessee residents who seek to obtain medical cannabis in another state.

(e) A qualified physician shall not issue a written certification to a qualified patient based on an assessment conducted via telemedicine, as defined in § 63-1-155.

68-7-211.

(a) The commission shall create and maintain a secure, electronic, and online patient registry for qualified physicians, qualifying patients, and designated caregivers as provided under this section. The patient registry must be accessible to law enforcement agencies and qualified physicians to verify the authorization of a qualified patient or a designated caregiver to possess medical cannabis. The patient registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of cannabis are prescribed and prevent an active registration of a qualified patient by multiple qualified physicians.

(b) The commission shall confirm qualified patients within the patient registry and determine whether an individual is a resident of this state for the purpose of registration of qualified patients and designated caregivers in the patient registry. To prove residency, an individual shall submit the following:

(1) If an adult, then the individual must provide the commission a copy of the individual's valid Tennessee driver license or photo identification license and one (1) of the following:

(A) A deed, mortgage, monthly mortgage statement, mortgage payment booklet, or residential rental or lease agreement;

(B) A utility hookup or work order not more than sixty (60) days old;

(C) A utility bill not more than two (2) months old;

(D) Mail from a financial institution, including a checking, savings, or investment account statement, not more than two (2) months old;

(E) Mail from a federal, state, county, or municipal government agency, not more than two (2) months old; or

(F) Other documentation that provides proof of residential address as determined by commission rule; and

(2) If a minor, then a certified copy of the minor's birth certificate or a current record of registration or enrollment in an elementary or secondary school, as defined in § 49-6-301, located in this state must be provided, and the minor's parent or legal guardian must comply with the requirements of subdivision (b)(1).

(c) The commission may suspend or revoke the registration of a qualified patient or designated caregiver if the qualified patient or designated caregiver:

(1) Provides misleading, incorrect, false, or fraudulent information to the commission;

(2) Possesses a form other than an acceptable form of medical cannabis or in an amount that exceeds possession limits specified in § 68-7-201(a);

(3) Falsifies, alters, or otherwise modifies a qualified patient identification card;

(4) Fails to timely notify the commission of any changes affecting the patient's status as a qualified patient; or

(5) Violates the requirements of this part or any rule promulgated by the commission to effectuate the purposes of this part.

(d) The commission shall revoke the registration of a qualified patient, and the patient's designated caregiver, upon notification by the qualified physician that the patient no longer meets the criteria of a qualified patient.

(e) Upon request and for purposes of verifying whether a particular individual is lawfully in possession of a qualified patient identification card or designated caregiver identification card or lawfully in possession of a particular amount of medical cannabis, state and local law enforcement personnel shall have access to qualified patient and designated caregiver information such as names, addresses, and dates of birth, but not information about the patient's qualifying medical disease or condition.

68-7-212.

(a) The commission shall issue a qualified patient identification card or designated caregiver identification card to a qualified patient or designated caregiver who is a resident of this state and who has submitted an application and fee to the commission following registration by a qualified physician. A qualified patient identification card or designated caregiver identification card may be renewed through the application process. The qualified patient identification card or designated caregiver identification card must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

(1) The name, address, and month and year of birth of the qualified patient or designated caregiver;

(2) A full-face, passport-type, color photograph of the qualified patient or designated caregiver taken no more than ninety (90) days prior to registration or the photograph, which may be obtained from the department of safety, used on the qualified patient's or designated caregiver's Tennessee driver license or photo identification license;

(3) Identification as a qualified patient or designated caregiver;

(4) For a qualified patient identification card, a unique numeric identifier used for the qualified patient in the patient registry;

(5) For a designated caregiver identification card, the name and unique numeric identifier for each qualified patient of the caregiver and a unique numeric identifier for the caregiver; and

(6) The identification card's expiration date.

(b) A qualified patient or designated caregiver must complete registration within the patient registry in a manner determined by the commission in rule, which must include:

(1) Submitting a completed application no later than thirty (30) days after the issuance of the written certification; and

(2) Paying a nonrefundable application fee.

(c) The commission must receive written consent, on a form prescribed by the commission, from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.

68-7-213.

(a) The application for a qualified patient identification card or designated caregiver identification card must be submitted on a form prescribed by the commission. The commission may charge a reasonable fee for the issuance, replacement, and renewal of an identification card. The commission may enter into a contract with a third-party vendor to issue identification cards; provided, that a vendor selected by the commission must have experience performing similar functions for other state agencies.

(b)

(1) To apply for a qualified patient identification card, a person must:

(A) Be a resident of this state;

(B) Be a qualified patient who has been added to the patient registry; and

(C) Submit an application to the commission no more than thirty (30) days after being added to, or renewed within, the patient registry.

(2) To apply for a designated caregiver identification card, a person must be a resident of this state and submit an application to the commission.

(c) In order for a minor to receive a qualified patient identification card, the minor must reside in this state and have a designated caregiver identified in the minor's application and within the patient registry.

(d)

(1) A person who applies for a qualified patient identification card or designated caregiver identification card shall pay an application fee of thirty-five dollars (\$35.00) in a manner as determined by the commission. A qualified patient identification card expires one (1) year from the date of issuance unless the written certification provided by the qualified physician designates an earlier expiration date.

(2) To renew a qualified patient identification card or designated caregiver identification card, the patient or designated caregiver must submit an application, along with the nonrefundable application fee and required accompanying documents to the commission no earlier than forty-five (45) days prior to the card's expiration date.

(e)

(1) The commission shall review the information contained in an application for a qualified patient identification card or designated caregiver

identification card within forty-five (45) days of receiving all the information required for the application, including the written certification from a qualified physician. The application must be approved and a qualified patient identification card or designated caregiver identification card issued if the commission does not complete the review after forty-five (45) days of receiving all required information.

(2) The commission may authorize a designee to conduct a review of the qualifications of an applicant for a qualified patient identification card or designated caregiver identification card and to make an initial determination as to whether the applicant has met all the requirements for issuance of a qualified patient identification card or designated caregiver identification card. If the designee determines the applicant has met all the requirements for a qualified patient identification card or designated caregiver identification card, then the designee has the authority to issue to such applicant a temporary qualified patient identification card or temporary designated caregiver identification card. A temporary qualified patient identification card or temporary designated caregiver identification card issued pursuant to this subdivision (e)(2) shall not be effective for longer than a forty-five-day period beginning on the date of issuance.

(3) If a temporary qualified patient identification card or temporary designated caregiver identification card is issued to an applicant in accordance with subdivision (e)(2) and the commission subsequently denies the application based upon a determination that the applicant has not complied with all the requirements for a qualified patient identification card or designated caregiver identification card, then the initial approval and temporary identification card become null and void from that point forward, and the commission shall

immediately notify the applicant. In this event, the doctrine of estoppel does not apply against the state based upon its issuance of temporary authorization and its subsequent denial of a qualified patient identification card or designated caregiver identification card.

(f) A person who applies for a qualified patient identification card or designated caregiver identification card must make corrections, provide additional information, or resubmit the application no later than sixty (60) days from the date the commission provides notice to the applicant that the application is incomplete.

(g) The commission shall deny an application for a qualified patient identification card or designated caregiver identification card if:

(1) The applicant had a previous registry identification card revoked in this state or another jurisdiction where medical cannabis use is allowed;

(2) The written certification was not made in the context of a bona fide practitioner-patient relationship;

(3) The written certification was fraudulently obtained; or

(4) The application or written certification was falsified in any way.

68-7-214.

(a) When there has been a change in the qualified patient's name, address, or designated caregiver, the patient must notify the commission within ten (10) days by submitting a completed change form prescribed by the commission, along with a replacement fee of fifteen dollars (\$15.00) in the manner as determined by the commission. A patient who has not designated a caregiver at the time of the application to the commission may do so in writing at any time during the effective period of the qualified patient's identification card.

(b) A cardholder whose identification card is lost or stolen may replace the card by submitting an appropriate form prescribed by the commission, along with a copy of the cardholder's Tennessee driver license or photo identification license and a replacement fee of fifteen dollars (\$15.00).

68-7-215.

(a) A qualified patient who no longer has a qualifying medical disease or condition shall return the patient's identification card to the commission no later than ten (10) days after of receiving such information from the patient's physician along with an appropriate form prescribed by the commission.

(b) The commission may revoke a qualified patient identification card or designated caregiver identification card for one (1) or more of the following reasons:

(1) The qualified patient or designated caregiver makes material misrepresentations in the application for the identification card;

(2) The qualified patient uses the card to obtain medical cannabis for another individual;

(3) The designated caregiver uses the card to obtain medical cannabis for an individual who has not designated them as their caregiver or who is not a qualified patient;

(4) The patient no longer meets the criteria of a qualified patient; or

(5) A violation of this part or a reason adopted as a rule promulgated by the commission.

(c) A qualified patient or designated caregiver shall return the patient's or caregiver's identification card to the commission no later than five (5) business days after the card's revocation.

68-7-216.

(a) All documentation submitted by qualified patients and designated caregivers, including, but not limited to, applications and written certifications, are confidential and not subject to subpoena or a public records request.

(b) This section does not affect the ability of a law enforcement officer or agency to access patient registry information in accordance with § 68-7-211(a).

68-7-217.

A qualified patient or designated caregiver is required to have a valid qualified patient identification card or designated caregiver identification card in their immediate possession to lawfully possess an acceptable form of medical cannabis. A qualified patient or designated caregiver shall display a qualified patient identification card or designated caregiver identification card to a law enforcement officer upon request.

68-7-218.

(a) A designated caregiver, if one is desired, must be designated in a qualified patient's application or in accordance with § 68-7-214(a). A designated caregiver for a qualified patient who is a minor must be designated in the application.

(b) To receive a designated caregiver identification card, a designated caregiver shall complete a form prescribed by the commission, submit the form to the commission, and pay a fee of fifty dollars (\$50.00).

(c) The commission shall register an individual as a designated caregiver in the patient registry and issue a designated caregiver identification card if the individual designated by a qualified patient meets all of the requirements of this part.

(d) A designated caregiver shall:

(1) Not be a qualified physician, unless the physician is the parent or legal guardian of a minor who is a qualified patient;

(2) Be twenty-one (21) years of age or older and a resident of this state;

(3) Agree in writing to assist with the qualified patient's medical use of cannabis;

(4) Be registered in the patient registry as a designated caregiver for no more than one (1) qualified patient, except as provided in this section;

(5) Successfully complete a designated caregiver certification course developed and administered by the commission or its designee and approved by the commission. Such course must be completed by the caregiver biennially; and

(6) Submit to a criminal background check conducted in accordance with § 63-1-116, unless the designated caregiver is a parent or legal guardian of the qualified patient.

(e) A qualified patient may designate no more than one (1) designated caregiver to assist with the qualified patient's medical use of cannabis, unless:

(1) The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;

(2) The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for themselves without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or

(3) The qualified patient is admitted to a hospice program.

(f) A designated caregiver shall not be registered in the patient registry as a designated caregiver for more than one (1) qualified patient, unless:

(1) The designated caregiver is a parent or legal guardian of more than one (1) qualified patient who is a minor;

(2) The designated caregiver is a parent or legal guardian of more than one (1) qualified patient, with at least one (1) of whom is an adult who has an intellectual or developmental disability that prevents such patient from being able to protect or care for themselves without assistance or supervision; or

(3) Each qualified patient the designated caregiver has agreed to assist is admitted to a hospice program and has requested the assistance of that designated caregiver with the medical use of cannabis; the designated caregiver is an employee of the hospice program; and the designated caregiver provides personal care or other services directly to clients of the hospice program in the scope of that employment.

(g) A designated caregiver shall not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient. This prohibition on compensation does not apply to a designated caregiver who is serving in that role in conjunction with the designated caregiver's primary employment under state or federal law.

(h) A designated caregiver identification card is valid from the date of issuance and expires after one (1) year, on the last day of the month the card was issued.

68-7-219.

(a) This part does not permit a person to:

(1) Undertake any task under the influence of medical cannabis when doing so would constitute negligence or professional malpractice; or

(2) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle while under the influence of medical cannabis. Impairment is to be determined by a totality of the circumstances.

(b) This part does not require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis unless federal law requires reimbursement;

(2) An employer to accommodate the use of medical cannabis in a workplace or an employee working while under the influence of medical cannabis;

(3) An individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use medical cannabis on or in that property;

(4) An individual or establishment in lawful possession of property to admit a guest, client, customer, or other visitor who is impaired as a result of the person's medical use of cannabis; or

(5) A public school to permit a qualified patient who is a student to be present on school grounds, to attend a school event, or to participate in extracurricular activities in violation of the public school's student discipline policies when a school office has a good faith belief that the behavior of such student is impaired from the use of medical cannabis.

(c) This part does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(d) This part does not:

(1) Limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy; or

(2) Create a cause of action against an employer for wrongful discharge or discrimination.

68-7-220.

(a) A qualified physician commits a Class A misdemeanor if the qualified physician issues a written certification for a patient without a reasonable belief that the patient is suffering from a qualifying medical disease or condition.

(b) A person who fraudulently represents that the person has a qualified medical condition to a qualified physician for the purpose of being issued a written certification commits a Class A misdemeanor.

(c) A qualified patient or designated caregiver who possesses medical cannabis in an unauthorized form or in an amount beyond possession limits is subject to the penalties of title 39, chapter 17, part 4, regardless of patient registry status or the validity of a qualified patient identification card or designated caregiver identification card.

(d) A qualified patient or designated caregiver in possession of medical cannabis who fails or refuses to display a qualified patient identification card or designated caregiver identification card upon the request of a law enforcement officer commits a Class C misdemeanor, unless it can be determined through the patient registry that the person is authorized to be in possession of that medical cannabis.

(e)

(1) A designated caregiver who violates this part commits an offense.

(2) A first or second violation of subdivision (e)(1) is punishable as a Class C misdemeanor.

(3) A third or subsequent violation of subdivision (e)(1) is punishable as a Class A misdemeanor.

(f)

(1) A person who intentionally possesses a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued qualified patient identification card or designated caregiver identification card commits a Class E felony.

(2) A person who knowingly manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued qualified patient identification card or designated caregiver identification card commits a Class D felony.

68-7-221.

The commission is authorized to designate additional states as approved states. In designating other states as approved, the commission shall consider whether the other states allow participation in a medical cannabis program by residents of this state. Other considerations must include provisions for seed-to-sale tracking, packaging and labeling, and effective licensing.

68-7-222.

The commission shall promulgate rules to effectuate the purposes of this part. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. Tennessee Code Annotated, Section 39-17-402(16), is amended by deleting subdivisions (E) and (F) and substituting instead the following:

(E) The term "marijuana" does not include oil or other products containing less than nine-tenths of one percent (0.9%) of delta-9 tetrahydrocannabinol;

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

Notwithstanding any law to the contrary:

(1) A state or local law enforcement agency shall not use, or permit the use of, the patient registry described in title 68, chapter 7, part 2, to determine whether a person is authorized to purchase, transfer, possess, or carry a firearm under this part;

(2) A person who is a qualified patient or designated caregiver described in title 68, chapter 7, part 2, does not commit an offense under this part when purchasing, transferring, possessing, or carrying a firearm and the basis for the commission of the offense is the person's actions made in accordance with title 68, chapter 7, part 2; and

(3) The prohibition on the use of public funds, personnel, or property to be allocated to enforce federal laws governing firearms under § 38-3-115 applies to persons acting in accordance with the title 68, chapter 7, part 2.

SECTION 6. Tennessee Code Annotated, Section 68-7-102, is amended by deleting the section and substituting instead the following:

There is created the medical cannabis commission. The commission shall serve as a resource for the study of federal and state laws regarding medical cannabis and the preparation of legislation to establish an effective, patient-focused medical cannabis program in this state.

SECTION 7. 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 8. For purposes of promulgating rules and forms and performing duties necessary to effectuate the purposes of this act, this act takes effect upon becoming a law, the public welfare requiring it. Sections 4 and 6 of this act take effect upon becoming a law, the

public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.