

SENATE BILL 2104

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 4; Title 29; Title 33; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 50; Title 53; Title 57; Title 63; Title 67; Title 68 and Title 71, relative to the "Tennessee Medical Autonomy Related to Cannabis Act."

WHEREAS, Tennessee's motto is "Agriculture and Commerce," and this act supports these core principles; and

WHEREAS, according to the National Conference of State Legislatures, at least thirty-seven states have a marijuana regulatory structure, and Tennessee should act forthwith in order to remain competitive nationally and globally in the burgeoning cannabis industry; and

WHEREAS, Tennessee businesses believe in the promotion of free and fair markets by providing consumers with the highest quality goods at the lowest possible prices, and this act does so by protecting Tennessee farmers, processors, and retailers from undue influence on intrastate cannabis markets by special interests seeking to monopolize trade therein; and

WHEREAS, Tennessee residents and the General Assembly have demonstrated a commitment to protecting the medical freedom of Tennesseans; and

WHEREAS, Tennesseans believe in product safety and the protection of minors, and this act includes measures to provide funding for both with regard to the medical cannabis industry; and

WHEREAS, the federal government has not demonstrated a willingness to violate Tennessee's Tenth Amendment right to promulgate laws regarding agriculture and commerce within the State; and

WHEREAS, this act honors the United States Constitution by codifying Fourth and Fifth Amendment protections for Tennesseans with respect to cannabis use and possession; and

WHEREAS, as referenced by a book called *The Bible*, Genesis 1:29 states, "And God said, 'Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat.'"; now, therefore,

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

SECTION 1. This act is known and may be cited as the "Tennessee Medical Autonomy Related to Cannabis Act."

SECTION 2. Tennessee Code Annotated, Title 43, is amended by adding the following as a new chapter:

43-23-101. Chapter definitions.

As used in this chapter:

(1) "Adult" means a natural person who is eighteen (18) years of age or older;

(2) "Advertising":

(A) Means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce, directly or indirectly, a person to patronize a particular marijuana dispensary, or to purchase marijuana or marijuana products;

(B) Includes marketing and marketing materials; and

(C) Does not include product packaging or labeling;

(3) "Batch number" means a unique numeric or alphanumeric identifier assigned prior to testing to allow for inventory tracking and traceability;

(4) "Cannabinoid":

(A) Means an active chemical compound that is found in cannabis; and

(B) Includes, but is not limited to, delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD);

(5) "Cannabis" means the plant species and subspecies of Cannabis sativa L.;

(6) "Cannabis product" means any product derived from the plant Cannabis sativa L.;

(7) "Child-resistant" means special packaging that is:

(A) Designed or constructed in accordance with 16 CFR Part 1700 to be significantly difficult to open for children under five (5) years of age and not difficult for normal adults to use properly;

(B) Opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material; and

(C) Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings;

(8) "Clone" means a nonflowering plant cut from a mother plant that is capable of developing into a new plant and has shown no signs of flowering;

(9) "Community facility" means:

(A) A licensed child care center, as defined in § 71-3-501;

(B) A public park;

(C) A public playground;

(D) A public swimming pool;

(E) A community center, the primary purpose of which is to provide recreational opportunities or services to children; or

(F) A place of worship;

(10) "Completed application":

(A) Means a document prepared in accordance with the requirements of this chapter and rules promulgated by the department, and the forms and instructions provided by the issuing department or agency; and

(B) Includes any required supporting documentation and the applicable license application fee;

(11) "Department" means the department of agriculture;

(12) "Disadvantaged business" has the same meaning as defined in § 4-26-102;

(13) "Dispensary" means a medical marijuana establishment that has been licensed by the department to purchase medical marijuana and medical marijuana products from a medical marijuana grower or medical marijuana processor for the purpose of reselling medical marijuana and medical marijuana products to adult consumers or selling or transferring such products to another dispensary;

(14) "Dispense" means the selling of medical marijuana or medical marijuana products packaged in a suitable container to an adult and such container is appropriately labeled for use by a qualifying patient;

(15) "Edible marijuana product":

(A) Means a marijuana product that is intended to be ingested orally; and

(B) Includes, but is not limited to, food-based marijuana concentrate or THC-infused food, drink, or pills;

(16) "Entity" means a natural person, general partnership, limited partnership, limited liability company, trust, estate, association, corporation, cooperative, or any other legal or commercial organization;

(17) "Flowering" means the reproductive state of a marijuana plant in which there are physical signs of flower or budding out of the nodes of the stem;

(18) "Food-based marijuana concentrate" means a marijuana concentrate that was produced by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil, coconut oil, or other typical food-safe cooking fats;

(19) "Good cause" for purposes of an initial, renewal, or reinstatement license application, or for purposes of discipline of a licensee, means:

(A) The licensee or applicant has violated, does not meet, or has failed to comply with this chapter, or any rules promulgated pursuant to this chapter;

(B) The licensee or applicant has failed to comply with any special terms or conditions that were placed upon the license pursuant to an order of the department of agriculture, the department of revenue, or a local governmental entity with specific governing jurisdiction established by law or rules promulgated pursuant to this chapter; or

(C) The licensed premises of a medical marijuana establishment or applicant have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate vicinity in which the establishment is located;

(20) "Grow" means to cultivate, propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means;

(21) "Healthcare practitioner" means a person licensed under title 63 who has the authority to diagnose medical conditions and to prescribe or dispense controlled substances in the course of professional practice;

(22) "Heat- or pressure-derived marijuana concentrate" means a marijuana concentrate that was produced by extracting cannabinoids from marijuana through the use of heat or pressure;

(23) "Hemp" has the same meaning as defined in § 43-27-101;

(24) "Immature plant" means a non-flowering marijuana plant that has not demonstrated signs of flowering;

(25) "Inhalation" means the consumption of marijuana by smoking or vaporization;

(26) "Licensed premises" means the premises specified in an application for a medical marijuana establishment or medical marijuana research facility that is owned or in possession of the licensee and within which the licensee is authorized to grow, manufacture, distribute, sell, store, transport, test, or research medical marijuana or medical marijuana products pursuant to this chapter;

(27) "Manufacture" means the production, compounding, or processing of a medical marijuana product from marijuana, excluding natural marijuana plants or any part of such plant;

(28) "Marijuana":

(A) Means all parts of the plant cannabis with a total THC content of greater than one percent (1%), whether growing or not; the seeds of

the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, including concentrates and oils, its seeds, or resin; and

(B) Does not include hemp, as defined in § 43-27-101;

(29) "Marijuana biomass" means the aerial parts of the cannabis plant that are removed from the roots, stalks, stems, or seeds to the extent possible and primarily used for extracting marijuana concentrate;

(30) "Marijuana concentrate":

(A) Means the cannabinoid-rich oil or extract from marijuana extracted from plant material or the resin created from the plant by physical or chemical means;

(B) Includes water-based marijuana concentrate, food-based marijuana concentrate, solvent-based marijuana concentrate, and heat- or pressure-derived marijuana concentrate; and

(C) Has the general equivalency ratio of one ounce (1 oz.) of dried marijuana flower being equivalent to eight grams (8 g.) of marijuana concentrate;

(31) "Marijuana flower" means the reproductive organs of the marijuana plant referred to as the bud and are parts of the plant, whether trimmed or not, that are harvested and consumed orally or via inhalation in the plant's natural form;

(32) "Marijuana plant" means a rooted cannabis plant, of a variety not intended to be grown as hemp that has a minimum of three (3) leaf sets;

(33) "Marijuana trim" means the byproduct of trimming marijuana flower that may be used as marijuana biomass or as an ingredient in smokable or edible marijuana products;

(34) "Marijuana waste" means unused, surplus, returned, or out-of-date medical marijuana or medical marijuana products to be remediated or destroyed;

(35) "Material change" means a change that would require a substantive revision to the standard operating procedures of a licensee;

(36) "Mature plant" means a harvestable female marijuana plant that is flowering;

(37) "Medical marijuana":

(A) Means marijuana used for medical or therapeutic purposes;

and

(B) Includes:

(i) Dried, unprocessed flower that has been trimmed and cured; or

(ii) The equivalent amount of dried flower in the form of marijuana concentrate or a THC-infused product, in which one ounce (1 oz.) of dried flower equals eight grams (8 g.) of marijuana concentrate or eight thousand milligrams (8,000 mg.) of THC-infused product;

(38) "Medical marijuana establishment" means:

(A) An entity that is licensed by the department under this chapter;

(B) Includes medical marijuana dispensaries, medical marijuana processors, medical marijuana growers, medical marijuana laboratory facilities, and medical marijuana transporters; and

(C) Does not include a medical marijuana research facility;

(39) "Medical marijuana grower" means a person or entity that is licensed pursuant to this chapter to grow, prepare, and package medical marijuana for sale or transfer, or contract for transfer, to a medical marijuana establishment or medical marijuana research facility;

(40) "Medical marijuana laboratory facility" means a medical marijuana testing facility or medical marijuana research facility;

(41) "Medical marijuana processor" means a person or entity that is licensed pursuant to this chapter to operate a medical marijuana establishment that is responsible for the production, manufacture, extraction, processing, packaging, or creation of marijuana concentrate or marijuana products, including edible marijuana products, THC-infused products, and other marijuana products;

(42) "Medical marijuana product" means a product that contains cannabinoids extracted from plant material or the resin created from the plant by physical or chemical means and is intended for sale to adult consumers for use by qualifying patients and takes the finished form of oils, tinctures, flower, edibles, pills, topical forms, gels, creams, vapors, patches, suppositories, liquids, and forms administered by a nebulizer;

(43) "Medical marijuana-related product" means any device, material, equipment, or paraphernalia related to the use and consumption of medical marijuana, regardless of whether that product inherently contains marijuana;

(44) "Medical marijuana research facility":

(A) Means a facility operating under a license issued pursuant to this chapter to further the scientific understanding of the cannabis plant and medical marijuana; and

(B) Includes, but is not limited to, a private business or a university, college, or other postsecondary institution or a public institution;

(45) "Medical marijuana testing facility" means an entity licensed by the department under this chapter to analyze the safety and potency of marijuana and marijuana products;

(46) "Medical marijuana transporter" means a person or entity that is licensed by the department under this chapter to transport medical marijuana or medical marijuana products;

(47) "Minor" means a person younger than eighteen (18) years of age;

(48) "Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones;

(49) "Natural person" means an individual, living human being;

(50) "Owner" means a person who is a direct beneficial owner and makes their identity a matter of public record, limited to the following:

(A) A shareholder owning an interest of a corporate entity;

(B) An officer of a corporate entity;

(C) A partner in a general partnership;

(D) A general or limited partner who owns an interest in a limited partnership;

(E) A member who owns an interest in a limited liability company;

(F) A beneficiary who holds a beneficial interest in a trust;

(G) A trustee of a trust;

(H) A person who owns an interest in a joint venture;

(I) A person who owns an interest in an association;

(J) An owner of any other type of legal entity; and

(K) Any other person holding an interest or convertible note in any entity that owns, operates, or manages a facility licensed under this chapter;

(51) "Package" or "packaging" means a container or wrapper that may be used by a medical marijuana establishment to enclose or contain marijuana or marijuana products;

(52) "Person":

(A) Means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust, or any other legal entity or organization, or a manager, agent, owner, director, servant, officer, or employee thereof; and

(B) Does not include a governmental entity;

(53) "Primary caregiver" means an adult who is licensed by the department of health to provide care to a qualifying patient related to the management and administration of medical marijuana;

(54) "Process" means to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana products;

(55) "Production batch":

(A) Means:

(i) An amount of marijuana concentrate of the same category that is produced using the same extraction methods, standard operating procedures, and harvest batch of marijuana; or

(ii) An amount of marijuana product of the same exact type that is produced using the same ingredients, standard operating procedures, and production batch of marijuana concentrate; and

(B) Does not include marijuana flower;

(56) "Public institution":

(A) Means an entity established or controlled by the federal government, state government, or a local government; and

(B) Includes, but is not limited to, institutions of higher education and related research institutions;

(57) "Public money":

(A) Means funds or money obtained from any governmental entity by a licensee; and

(B) Includes, but is not limited to, research grants;

(58) "Qualifying condition" means any of the following medical diagnoses made by a healthcare practitioner:

(A) Cancer;

(B) Epilepsy;

(C) Glaucoma;

(D) Anxiety;

(E) Insomnia;

(F) A terminal illness;

(G) Intractable migraines unresponsive to other treatment;

(H) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(I) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, major depressive disorder, and bipolar disorder, if diagnosed by a state-licensed psychiatrist;

(J) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication; or

(K) In the professional judgment of a healthcare practitioner, any other chronic debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome;

(59) "Qualifying patient" means a resident of this state who is diagnosed with at least one (1) qualifying condition;

(60) "Recommendation" means a written certification of a patient's qualifying condition made by a healthcare practitioner based on the specific needs of a qualifying patient after the healthcare practitioner's careful review of

the patient's medical status, records, and other available health information and giving specific medical advice related to medical cannabis use;

(61) "Registered to conduct business" means an eligible applicant who has provided proof that the applicant's business is in good standing with the secretary of state and the department of revenue;

(62) "Remediation" means:

(A) The process by which marijuana flower or marijuana trim that has failed required testing is processed into marijuana concentrate and retested for compliance; or

(B) The process by which marijuana waste is recycled into usable product, where possible;

(63) "Research project" means a discrete scientific endeavor to answer a research question or a set of research questions related to hemp or marijuana as required by a medical marijuana research license. A research project must include a description of a defined protocol, clearly articulated goals, defined methods and outputs, and a defined start and end date;

(64) "Revocation" means the final decision by the department to rescind a license issued pursuant to this chapter because the licensee did not comply with the applicable requirements set forth in this chapter or rules promulgated pursuant this chapter;

(65) "Solvent-based marijuana concentrate" means marijuana concentrate produced by extracting cannabinoids from marijuana through the use of a safe solvent medium, resulting in a finished product that meets state and federal guidelines for food safety;

(66) "Strain" means the classification of cannabis or marijuana plants based on the individual genetics of the plant that can be used to track genetic traits through the cultivation and processing of marijuana products and to help licensees and consumers to predict the contents and effects of a marijuana product;

(67) "Suitable container" means a child-resistant package that complies with state law;

(68) "Telehealth":

(A) Means the use of electronic information and telecommunication technology to deliver, support, and promote clinical health care, patient and professional health-related education, public health, health administration, and other health services remotely; and

(B) Includes telemedicine and eHealth services;

(69) "Terminal illness" or "life-limiting illness" means an illness or condition that cannot be cured and is likely to lead to the death of the person with the illness or condition;

(70) "Test batch":

(A) With regard to usable marijuana, means a homogenous, identified quantity of usable marijuana by strain that is harvested during a seven-day period from a specified cultivation area; and

(B) With regard to oils, vapors, and waxes derived from usable marijuana, means an identified quantity that is uniform, intended to meet specifications for identity, strength, and composition, and manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol;

(71) "THC" means delta-9 tetrahydrocannabinol, which is a cannabinoid found in cannabis formed by decarboxylation of naturally tetrahydrocannabinolic acid, which generally occurs by exposure to heat;

(72) "Transporter agent" means a person who transports medical marijuana or medical marijuana products for a licensed medical marijuana transporter and holds a transporter agent license;

(73) "Universal symbol" means the image established by the department and made available to licensees through the department's website indicating that marijuana or a marijuana product contains THC;

(74) "Veteran" means:

(A) A person who has been honorably discharged from the army, navy, air force, marine corps, coast guard, or space force;

(B) A person who has been honorably discharged from a reserve component or national guard, as defined in 10 U.S.C. § 10101, having performed active federal service in the armed forces of the United States;
or

(C) A person who retired from a reserve component or national guard, as defined in 10 U.S.C. § 10101, after completing twenty (20) or more years of qualifying service; and

(75) "Veteran-owned business" means a business that is a continuing, independent, for-profit business located in this state that performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more veterans, or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1)

or more veterans and whose management and daily business operations are under the control of one (1) or more veterans.

43-23-102. Authorized conduct – medical marijuana operations.

(a) This chapter authorizes:

(1) A licensed medical marijuana grower, including a director, manager, or employee of the grower, acting within the scope of the grower's license to:

(A) Operate a facility to grow marijuana for sale or transfer to a medical marijuana establishment, including the sale or transfer of seeds, flower, mother plants, mature plants, immature plants, or clones;

(B) Possess medical marijuana or medical marijuana-related products; and

(C) Conduct public tours of the facility;

(2) A medical marijuana processor, including a director, manager, or employee of the processor, acting within the scope of the processor's license to:

(A) Produce medical marijuana products for sale or transfer to a medical marijuana dispensary;

(B) Possess raw marijuana or marijuana-related raw materials for the production of products; and

(C) Conduct public tours of the facility;

(3) A medical marijuana dispensary, including a director, manager, or employee of the dispensary, acting within the scope of the medical marijuana dispensary license to:

(A) Possess medical marijuana and medical marijuana products;

(B) Transfer or sell medical marijuana, medical marijuana products, and medical marijuana-related products to an adult qualifying patient or another medical marijuana establishment; and

(C) Conduct public tours of the facility;

(4) A medical marijuana transporter, including a director, manager, employee, or agent of the transporter, acting within the scope of the transporter's license to transport or transfer medical marijuana and medical marijuana products between medical marijuana establishments; and

(5) A medical marijuana laboratory facility, including a director, manager, or employee of the facility, acting within the scope of the facility's license to:

(A) Possess, test, and transport medical marijuana, medical marijuana products, and medical marijuana-related products;

(B) Conduct research on medical marijuana and products;

(C) Provide test results to businesses for compliance with any standards established by the department;

(D) Conduct public tours of the facility; and

(E) Perform other laboratory practices to effectuate the purposes of this chapter as necessary.

(b) A person who is issued a medical marijuana establishment license pursuant to this chapter is authorized to operate multiple medical marijuana establishments within that specific license class, except that a person issued a medical marijuana grower license must obtain a separate license for each class described in § 43-23-111(c). This chapter does not restrict a person who meets applicable issuance requirements from obtaining more than one (1) class of medical marijuana establishment license and operating one (1) or more establishments within each class of license issued.

(c) Upon request, facilities licensed under this chapter shall provide necessary, scientific information and data, as determined by the department of agriculture or the department of health, to the medical cannabis commission for publishing.

43-23-103. Authorized conduct - medical marijuana use.

(a) A person is authorized to engage in the personal use of medical marijuana if the person is:

(1) A resident of this state;

(2) Eighteen (18) years of age or older or a minor with parental or guardian approval; and

(3) A qualifying patient who has received a healthcare practitioner's recommendation stating that person has been diagnosed, via either an in-person consultation or a telehealth consultation, with at least one (1) qualifying condition.

(b) Under this chapter:

(1) A person who is authorized to engage in the personal use of medical marijuana under subsection (a) may possess, store, or process medical marijuana on the premises of the person's private residence; provided, that the medical marijuana:

(A) Is stored in a child-resistant container or somewhere with restricted access to minors; and

(B) Is in an amount that does not exceed one ounce (1 oz.) of dried flower, eight grams (8 g.) of marijuana concentrate, or eight thousand milligrams (8,000 mg.) of THC-infused product, or any combination thereof; provided, that the total amount of medical marijuana does not exceed the equivalent of one ounce (1 oz.) of dried flower;

(2) A person may possess, transport, or transfer to another person, without remuneration, a medical marijuana-related product if the person is:

(A) An adult who is authorized under this chapter for the personal use of medical marijuana;

(B) A primary caregiver for the provision and administering of medical marijuana to a qualifying patient; or

(C) A director, manager, employee, or agent of a medical marijuana establishment; and

(3) A parent, legal guardian, conservator, or primary caregiver may administer for medical purposes a medical marijuana product, excluding a smokable product, to a minor or other persons for whom the parent, guardian, or conservator has legal authority to provide for the care, supervision, and control.

43-23-104. Protection from legal action for authorized constitutional conduct.

(a) A person is not subject to the denial of any right or privilege or to arrest, prosecution, forfeiture of property, or penalty, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or other like instrumentality solely due to conduct authorized under this chapter or the First Amendment of the United States Constitution.

(b) The fact that a person engages in conduct authorized by this chapter does not in itself constitute grounds for denying, limiting, or restricting conservatorship or possession of or access to a child.

(c) Unless expressly required by federal law, a person in compliance with this chapter shall not be denied eligibility, based on acts authorized under this chapter, for a public assistance program, including, but not limited to, the special supplemental food

program for women, infants, and children; temporary assistance for needy families (TANF); medicaid; or the supplemental nutrition assistance program (SNAP).

(d)

(1) An employer is authorized to establish policies permitting, restricting, or prohibiting the use of medical marijuana or medical marijuana products in the workplace.

(2) This chapter does not prohibit an employer from:

(A) Disciplining an employee for using medical marijuana or a medical marijuana product in the workplace or for working while under the influence of medical marijuana or a medical marijuana product; or

(B) Considering a job applicant's use of marijuana as a basis for refusing to hire the applicant for employment responsibilities described in § 50-9-106(a)(3)(A), as long as that consideration, including testing of the applicant, is consistent with and appropriate in its application to the employer's hiring policy with regard to other adulterants that cause a refusal of hiring for an applicant, including the time segment under review, so as to not disproportionately restrict the legal rights of the applicant.

(3) Notwithstanding title 50, chapters 7 and 9, and for purposes of eligibility for benefits under the Tennessee Employment Security Law, compiled in title 50, chapter 7, the use of medical marijuana or a medical marijuana product, when there is no other action or cause by the employee or reason for the termination, shall not be deemed a discharge for misconduct under § 50-7-303 or otherwise a termination for cause.

(e) Notwithstanding title 39, chapter 17, part 13, the use of medical marijuana or medical marijuana products or status as a licensee under this chapter or under title 43,

chapter 27, shall not be grounds for the denial or infringement of the right to own, purchase, or possess a firearm, ammunition, or firearm accessory under state law.

43-23-105. Prohibition of marijuana on private property – Exception.

(a) Except as otherwise provided by subsection (b), a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of marijuana or marijuana products on property the person owns, occupies, or manages.

(b) A person shall not prohibit a residential tenant under a lease agreement from possessing medical marijuana, medical marijuana products, or marijuana-related products or consuming medical marijuana by means other than smoking on the premises.

43-23-106. Conduct not authorized – Violations.

(a) This chapter does not authorize the following conduct:

(1) Smoking or otherwise consuming medical marijuana in:

(A) A motor vehicle that is being operated on a public roadway;

(B) An aircraft, while the aircraft is in flight or in a public area;

(C) A watercraft, while the watercraft is on the public waters of this state; or

(D) A public place, unless:

(i) The public place is an area designated by a political subdivision as an area where using any cannabis is permissible;

and

(ii) The area described by subdivision (a)(1)(D)(i) is not accessible to minors;

(2) Possessing or consuming medical marijuana or medical marijuana products:

(A) On the premises of a public or private child care facility, prekindergarten, or elementary or secondary school as defined by § 49-6-301;

(B) On a school bus that serves a facility or school described in subdivision (a)(2)(A); or

(C) On the premises of a correctional facility; or

(3) The separation of resin from the marijuana plant by butane extraction or another method that uses a substance with a flashpoint above one hundred degrees Fahrenheit (100° F) in a public place or motor vehicle or within the curtilage of a residential structure.

(b) A person commits an offense if the person, under the authority of this chapter, knowingly sells, gives, or causes to be sold or given, medical marijuana or a medical marijuana product to a minor, or another person who intends to deliver the medical marijuana or medical marijuana products to a minor, except as authorized by § 43-23-103(b)(3).

(c) It is unlawful for a person to sell medical marijuana or medical marijuana products except from a medical marijuana establishment operating in compliance with all laws governing the sale of medical marijuana or medical marijuana products under this chapter and in accordance with a valid license.

(d) It is a defense to prosecution under subsection (b) that the person to whom the marijuana or marijuana product was sold or given presented apparently valid proof of identification. For purposes of this subsection (d), "apparently valid proof of identification" means a government-issued photo identification that contains a physical description and photograph consistent with the person's appearance and purports to establish that the person is eighteen (18) years of age or older. Such government-

issued photo identification may include a driver license issued by this state or another state, a passport, or other identification card issued by a state, territory, tribe, or the federal government.

(e) A violation of this section is punishable as follows:

(1) A first, second, or third offense is a Class C misdemeanor; and

(2) A fourth or subsequent offense is a Class A misdemeanor, and if the violator is a licensee, the revocation of the violator's license for a period of two (2) years.

43-23-107. Duties of the department – Rules.

(a) The department shall implement and administer this chapter.

(b) The department, except where otherwise provided, shall promulgate all necessary rules for the administration and enforcement of this chapter. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The department shall promulgate rules for the reasonable regulation of medical marijuana establishments and medical marijuana research facilities, including rules that:

(1) Establish standards for:

(A) The operation of medical marijuana testing facilities;

(B) The testing of medical marijuana, including dried flower and medical marijuana products; and

(C) The secure transportation of medical marijuana by medical marijuana transporters, including standards to ensure all medical marijuana establishments and medical marijuana research facilities are properly served;

(2) Restrict the use and presence of dangerous pesticides, heavy metals, mycotoxins, solvents, microbial life, other toxins, and other foreign matter and determine acceptable levels of contaminants;

(3) Regulate the packaging and labeling of medical marijuana products available at medical marijuana dispensaries, including requirements regarding child-resistant packaging and the use of a universal symbol;

(4) Restrict advertising and display of medical marijuana and medical marijuana products;

(5) Restrict the maximum amount or regulate the serving size of THC that may be contained in a medical marijuana product authorized to be sold;

(6) Require recordkeeping and monitoring for identification of a production batch or test batch through the use of a batch number;

(7) Require recordkeeping for any remediation conducted by a medical marijuana establishment;

(8) Require recordkeeping and monitoring to track the transfer of medical marijuana and medical marijuana products between medical marijuana establishments or licensees;

(9) Require security measures; provided, that the security measures do not restrict the cultivation of medical marijuana outdoors or in greenhouses;

(10) Limit the proximity of medical marijuana establishments to community facilities and elementary and secondary schools as defined under § 49-6-301; provided, that:

(A) The director of schools may sign a waiver of the proximity restriction and allow a medical marijuana establishment to be located within the limit; and

(B) The establishment of a school or community facility after a medical marijuana establishment is established at its location does not restrict or adversely affect the operation of the medical marijuana establishment and any proximity restriction that would apply pursuant to a rule promulgated in accordance with this subdivision (c)(10) shall not apply to such medical marijuana establishment; and

(11) Establish criteria and a process for sanctioning research projects and licensing medical marijuana research facilities, including criteria and a process by which a medical marijuana research facility may request and receive public money for research projects.

(d) The department of health shall promulgate rules and forms necessary to facilitate the use of medical marijuana by qualifying patients under this chapter, including protocols, standards, and conduct for healthcare practitioners and primary caregivers. In promulgating rules and forms, the department shall consider and prioritize the process by which patients, healthcare practitioners, and primary caregivers are able to document recommendations for the medical use of medical marijuana or medical marijuana products. The department of health shall publish such forms on the department's website, including a standardized recommendation form.

(e) The department of financial institutions shall promulgate rules necessary to protect and facilitate the needs of businesses and banking institutions in order to expedite a cash and cashless system of processing proceeds from the sale of medical marijuana and medical marijuana products.

(f) The department of veterans services shall assist and protect veterans, their families, and dependents, who participate in the state program under this chapter, in maintaining all benefits, both federal and state, in the presentation, proof, and

establishment of all claims, privileges, rights, and other benefits that they may have under federal, state, or local law, and to cooperate with all national, state, and local government and private agencies securing services or any benefits to veterans, their families, and dependents.

(g) The department of agriculture shall not take adverse action or take any action that may adversely and directly affect this state's hemp industry or hemp-related businesses, including businesses seeking to be licensed under this chapter.

43-23-108. Fees.

(a) Except as otherwise provided in this section, the department by rule shall set application and license fees under this chapter in amounts sufficient to administer this chapter.

(b) Application and license fees are as follows:

(1) Medical marijuana micro-grow license fees are as follows:

(A) Three thousand dollars (\$3,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of twenty thousand dollars (\$20,000); and

(C) An annual license renewal fee of ten thousand dollars (\$10,000);

(2) Medical marijuana medium-grow license fees are as follows:

(A) Five thousand dollars (\$5,000) for the application, of which 90% is refundable if the application is not accepted;

(B) An initial license fee of twenty-five thousand dollars (\$25,000);
and

(C) An annual license renewal fee of fifteen thousand dollars (\$15,000);

(3) Medical marijuana mega-grow license fees are as follows:

(A) Ten thousand dollars (\$10,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of thirty thousand dollars (\$30,000); and

(C) An annual license renewal fee of twenty thousand dollars (\$20,000);

(4) Medical marijuana macro-grow license fees are as follows:

(A) Fifteen thousand dollars (\$15,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of seventy-five thousand dollars (\$75,000); and

(C) An annual license renewal fee of fifty thousand dollars (\$50,000);

(5) Medical marijuana processor license fees are as follows:

(A) Fifteen thousand dollars (\$15,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of fifty thousand dollars (\$50,000); and

(C) An annual license renewal fee of twenty-five thousand dollars (\$25,000);

(6) Medical marijuana dispensary license fees are as follows:

(A) Fifteen thousand dollars (\$15,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of fifty thousand dollars (\$50,000); and

(C) An annual license renewal fee of one thousand dollars (\$1,000);

(7) Medical marijuana transporter license fees are as follows:

(A) One thousand dollars (\$1,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of five thousand dollars (\$5,000); and

(C) An annual license renewal fee of one thousand dollars (\$1,000); and

(8) Medical marijuana laboratory license fees are as follows:

(A) Three thousand dollars (\$3,000) for the application, of which ninety percent (90%) is refundable if the application is not accepted;

(B) An initial license fee of twenty thousand dollars (\$20,000); and

(C) An annual license renewal fee of ten thousand dollars (\$10,000).

(c) An applicant for a license described in subsection (a) must have twenty-five thousand dollars (\$25,000) in liquid assets available at the time of application and must provide proof of such.

(d)

(1) Any fees for a qualifying patient license shall not exceed one hundred dollars (\$100) in total.

(2) Any fees for a primary caregiver license shall not exceed five hundred dollars (\$500) in total.

(e) Fees specified in this section or promulgated by rule may be adjusted annually for inflation; provided, that any adjustment must be set by rule.

43-23-109. Conflicts of interest.

(a) A person who is involved in the implementation, administration, or enforcement of this chapter as a member or employee of the department, or a consultant to the department, shall not also hold a pecuniary interest in any entity licensed by the department under this chapter.

(b) A person, or that person's spouse, who holds a pecuniary interest in a medical marijuana testing facility that holds a license issued under this chapter shall not hold a pecuniary interest in any entity that holds a medical marijuana dispensary, medical marijuana producer, or medical marijuana grower license issued under this chapter.

43-23-110. Annual report.

The department shall annually submit to the governor and to the chief clerks of the senate and the house of representatives a report providing the following information regarding licensing and regulation under this chapter:

(1) The number of licenses issued for each class of license under this chapter;

(2) Demographic information pertaining to licensees;

(3) A description of any fines imposed on a licensee or disciplinary actions taken against a licensee by the department; and

(4) A statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this chapter.

43-23-111. Licensing.

(a) A person must obtain and maintain the appropriate medical marijuana establishment license issued by the department under this chapter in order to lawfully operate as a medical marijuana establishment. Notwithstanding another law to the

contrary, in order to maintain a medical marijuana establishment license issued under this chapter, the owner or owners of the establishment at the time the initial license is issued must maintain at least fifty-one percent (51%) ownership and control of the establishment, or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock that is owned and controlled, for the first five (5) years after the initial issuance of the license. The department may revoke or suspend a license that does not meet the ownership and control requirements described in this subsection (a).

(b) A person must obtain a primary caregiver license from the department of health prior to serving as a primary caregiver under this chapter. The department of health shall issue licenses for qualifying patients and primary caregivers.

(c) The department shall issue medical marijuana grower licenses in classes as follows:

(1) Micro-grow for a grow with a total flowering canopy of not more than five thousand square feet (5,000 sq. ft.). The department shall not issue more than three hundred (300) micro-grow licenses;

(2) Medium-grow for a grow with a total flowering canopy of more than five thousand square feet (5,000 sq. ft.) but not more than ten thousand square feet (10,000 sq. ft.). The department shall not issue more than one hundred (100) medium-grow licenses;

(3) Mega-grow for a grow with a total flowering canopy of more than ten thousand square feet (10,000 sq. ft.) but not more than thirty-five thousand square feet (35,000 sq. ft.). The department shall not issue more than thirty (30) mega-grow licenses; and

(4) Macro-grow for a grow with a total flowering canopy of more than thirty-five thousand square feet (35,000 sq. ft.) but not more than one hundred

thousand square feet (100,000 sq. ft.). The department shall not issue more than ten (10) macro-grow licenses.

(d) The department shall limit the number of medical marijuana dispensary licenses issued as follows:

(1) No more than five (5) licenses in a county having a population of less than ninety thousand (90,000), according to the 2020 federal census or any subsequent census;

(2) No more than fifteen (15) licenses in a county having a population of at least ninety thousand (90,000) but less than five hundred thousand (500,000), according to the 2020 federal census or any subsequent census; and

(3) No more than thirty (30) licenses in a county having a population of at least five hundred thousand (500,000), according to the 2020 federal census or any subsequent census.

43-23-112. Prioritization for medical marijuana establishment licenses.

(a) The department by rule shall provide for each class of license issued under this chapter qualifications for licensure that are demonstrably related to the operations authorized and duties imposed under that class of license. Applications meeting the criteria in this section must be given priority for licensure if they comply with all other applicable requirements of this chapter.

(b) The department shall prioritize the issuance of medical marijuana establishment licenses in the following order:

(1) First priority to:

(A) Disadvantaged businesses and veteran-owned businesses that have held a hemp license, issued under § 43-27-102, in the prior year; and

(B) Business entities located in a tier 4 enhancement county, as described in § 67-4-2109, that have held a hemp license, issued under § 43-27-102, in the prior year;

(2) Second priority to:

(A) Any business entity that has held a hemp license, issued under § 43-27-102, in the prior year;

(B) Disadvantaged businesses and veteran-owned businesses;
and

(C) Business entities located in a tier 4 enhancement county, as described in § 67-4-2109;

(3) Third priority to business entities that are:

(A) Owned solely by a natural person who is a resident of this state; or

(B) At least fifty-one percent (51%) owned and controlled by one (1) or more residents of this state, or, in the case of any publicly owned business, have at least fifty-one percent (51%) of the stock owned and controlled by one (1) or more residents of this state and management and daily business operations under the control of one (1) or more residents of this state; and

(4) Fourth priority to:

(A) Disadvantaged business entities that are majority-owned by one (1) or more nonresidents if located in a tier 3 or tier 4 enhancement county, as described in § 67-4-2109;

(B) Veteran-owned business entities that are majority-owned by one (1) or more nonresidents; and

(C) Other business entities that are majority-owned by one (1) or more nonresidents if located in a tier 4 enhancement county, as described in § 67-4-2109.

43-23-113. Licensure application.

(a) A person eligible for licensure may apply for an initial or renewal license under this chapter by submitting a form prescribed by the department along with the applicable application fee set forth in § 43-23-108.

(b) The completed application must indicate the class of license sought and include:

- (1) The name and address of the applicant;
- (2) The name and address of each principal owner;
- (3) The name and address of each of the applicant's directors, managers, and employees; and
- (4) Any other information considered necessary by the department to determine the applicant's eligibility for the license.

(c) The department shall develop weighted questions for the application regarding the applicant's prior experience that must be answered by applicants and evaluated and prioritized by the department as follows:

- (1) First priority to the applicant's prior experience in the hemp industry;
- (2) Second priority to the applicant's relevant business experience and the applicant's business history and connections in this state; and
- (3) Third priority to the applicant's general business experience, including business successes and failures.

43-23-114. Issuance, renewal, or denial of license.

(a) The department of agriculture shall issue or renew a license for a medical marijuana establishment under this chapter only if the applicant:

(1) Meets the qualifications and pays the applicable fees for the class of license sought under § 43-23-108;

(2) Is registered as a business entity with the secretary of state; and

(3) Is in compliance with any applicable local regulations.

(b) The department of health shall issue or renew a license for a qualifying patient under this chapter only if the applicant:

(1) Meets the qualifications and pays the applicable fees for the qualifying patient license; and

(2) Is a resident of this state.

(c) The department of health shall issue or renew a license for a primary caregiver under this chapter only if the applicant:

(1) Meets the qualifications and pays the applicable fees for the primary caregiver license;

(2) Is a resident of this state; and

(3) Complies with any other requirements of the department of health.

(d) If a department denies the issuance or renewal of a license under this section, then such department shall give written notice of the grounds for denial to the applicant.

(e) A license issued or renewed under this chapter expires five (5) years from the date of issuance or renewal.

43-23-115. Duty to maintain qualifications.

(a) A licensee shall maintain compliance at all times with the qualifications for the applicable class of license under this chapter.

(b) A licensee shall notify the department in writing whenever there is a material change in the operations or to the information of a licensee.

43-23-116. License suspension or revocation.

(a) The department may at any time suspend or revoke a license issued under this chapter for good cause, including if the department determines that the licensee has not maintained the qualifications established under this chapter or has failed to comply with a duty imposed under this chapter.

(b) The department shall give written notice to a licensee of a license suspension or revocation under this section and the grounds for the suspension or revocation. The notice must be sent by certified mail, return receipt requested.

(c) After suspending or revoking a license issued under this chapter, the department may seize or place under seal all medical marijuana, medical marijuana products, and medical marijuana-related products owned or possessed by the licensee. If the license is revoked, then a disposition shall not be made of the seized or sealed medical marijuana, medical marijuana products, or medical marijuana-related products until the time for administrative appeal of the order has elapsed or until all appeals have been concluded. When a revocation order becomes final, all medical marijuana, medical marijuana products, and medical marijuana-related products may be forfeited to the state as contraband.

(d) Proceedings under this section must be conducted pursuant to title 4, chapter 5, part 3 of the Uniform Administrative Procedures Act.

43-23-117. Criminal record information for medical marijuana establishment license applicants.

(a) In addition to satisfying the other requirements provided by department rule under this chapter, an applicant for a medical marijuana establishment license may be

required to submit to the department a complete and legible set of fingerprints, on a form prescribed by the department, for the purpose of obtaining a criminal history record check from the Tennessee bureau of investigation and the federal bureau of investigation.

(b) The department may deny a license to an applicant who does not comply with the requirement of subsection (a). Issuance of a medical marijuana establishment license by the department is conditioned on the department obtaining the applicant's criminal history record check under this section.

(c) A person's conviction for a felony offense, except for a conviction for a marijuana-related offense, including the cultivation, manufacture, delivery, sale, possession, or transfer of marijuana under § 39-17-417 or § 39-17-418, disqualifies an applicant for a medical marijuana establishment license under this chapter.

(d) A person's conviction for an offense that involves the delivery, sale, distribution, or casual exchange of a controlled substance to a minor, if the person was an adult and at least two (2) years the minor's senior at the time of the offense, disqualifies an applicant for a medical marijuana establishment license under this chapter.

43-23-118. Duties of licensees relating to dispensing medical marijuana or medical marijuana products.

Before dispensing medical marijuana or a medical marijuana product to a qualifying patient, a medical marijuana dispensary must make reasonable efforts to verify that:

(1) The person receiving the medical marijuana or medical marijuana product is a qualifying patient, which may be accomplished by reviewing the person's qualifying patient license;

(2) The medical marijuana or medical marijuana product complies with department testing and labeling rules; and

(3) The amount dispensed is not greater than the amount of medical marijuana or medical marijuana product allowed for personal use as provided in § 43-23-103(b)(1)(B).

43-23-119. Duties of licensees relating to security.

(a) A licensee shall not grow, process, store, or sell medical marijuana, medical marijuana products, or medical marijuana-related products at a location other than the physical address approved by the department for the establishment under the license issued to the establishment under this chapter.

(b) A licensee shall adopt reasonable security measures necessary to restrict access to areas where medical marijuana or medical marijuana products are stored and to prevent theft of medical marijuana and medical marijuana products.

43-23-120. Licensee operations.

A medical marijuana establishment licensee under this chapter shall not employ or otherwise accept the services of a minor.

43-23-121. Monthly sales report.

A medical marijuana dispensary shall monthly submit a report to the department specifying the amount of medical marijuana sold, the number of medical marijuana products sold, and the amount of money collected in sales by the establishment during the preceding month.

43-23-122. Taxes.

(a) Medical marijuana and medical marijuana products are taxable as tangible personal property and subject to sales and use taxes imposed by title 67, chapter 6. Notwithstanding § 67-6-702, a county, by resolution of the county legislative body, or an

incorporated municipality, by ordinance of its governing body, is authorized to levy a local sales tax in a rate not to exceed three percent (3%) on the sale of medical marijuana and medical marijuana products within such county or municipality, combined. Such local sales tax is to be levied, collected, and distributed in the same manner as local sales and use taxes under title 67, chapter 6, part 7.

(b)

(1) A medical marijuana tax is imposed on each sale of medical marijuana or a medical marijuana product by a medical marijuana dispensary.

(2) The rate of the tax is three percent (3%) of the sales price of the medical marijuana or medical marijuana product.

(3) The tax imposed by this subsection (b) is administered, collected, and enforced in the same manner as the sales and use tax under title 67, chapter 6 is administered, collected, and enforced.

(4) The tax imposed by this subsection (b) is in addition to any other tax imposed by law.

(c)

(1) A medical marijuana grower is entitled to a refund of twenty-five percent (25%) of the sales and use tax levied on supplies and materials purchased from a business located in this state and used for the cultivation of medical marijuana.

(2) A medical marijuana processor is entitled to a refund of twenty-five percent (25%) of the sales and use tax levied on supplies and materials purchased from a business located in this state and used for the manufacture or processing of medical marijuana and production of medical marijuana products.

(3) A medical marijuana dispensary is entitled to a refund of twenty-five percent (25%) of the sales and use tax levied on supplies and materials purchased from a business located in this state and used for the dispensing and retail sale of medical marijuana and medical marijuana products.

(4) To receive a refund authorized under this subsection (c), a medical marijuana establishment must submit the form prescribed by the department of revenue, in addition to any documentation the department may require.

(d) Notwithstanding another law to the contrary, electronic payment and filing requirements for taxes levied under title 67 are waived and a medical marijuana establishment may file a return in paper form and remit payments in cash or other form approved by the department of revenue. The commissioner of revenue is authorized to require that any such paper filing be accompanied by a manual handling fee, not to exceed twenty-five dollars (\$25.00), that is reasonably calculated by the department to account for the additional cost of preparing, printing, receiving, reviewing, and processing any paper filing.

43-23-123. Allocation of medical marijuana tax.

The department of revenue shall allocate the revenue derived from the medical marijuana tax imposed by § 43-23-122(b) in the following manner:

(1) Twenty-five percent (25%) of the funds must be allocated to the department of agriculture to be used for:

(A) The administration and enforcement of this chapter;

(B) Educational and marketing programs related to the promotion and implementation of this chapter, including public safety campaigns;
and

(C) Grant initiatives focused on economic development and green power infrastructure in tier 3 and tier 4 enhancement counties, as described in § 67-4-2109;

(2) Thirty-five percent (35%) of the funds must be allocated to the department of safety to be used for:

(A) Training and education of law enforcement agencies and officers with regard to cannabis-related laws in this state;

(B) The support of law enforcement officers injured in the line of duty; and

(C) The support of families of law enforcement officers killed in the line of duty;

(3) Twenty percent (20%) of the funds must be deposited, in equal amounts, into the state employee legacy pension stabilization reserve trust, created in § 9-4-1102, and the pension stabilization reserve trust, created in § 9-4-1001;

(4) Fifteen percent (15%) of the funds must be allocated to the department of education to be used for educational programs for elementary and secondary students regarding age restrictions for medical marijuana use and potential health and legal risks for improper or underage use of marijuana; and

(5) Five percent (5%) of the funds must be retained by the department of revenue to be used for administrative costs incurred pursuant to this chapter, including collection and enforcement costs.

43-23-124. Prohibited local regulation.

Except as provided in § 43-23-125, a political subdivision of this state shall not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that

prohibits or unreasonably restricts the cultivation, production, processing, dispensing, transportation, or possession of medical marijuana or medical marijuana products or the operation of a medical marijuana establishment as authorized by this chapter.

43-23-125. Permissible local regulation.

(a) A political subdivision may adopt regulations consistent with this chapter governing the hours of operation, location, manner of conducting business, and the number of medical marijuana establishments; provided, that regulations must not be more restrictive than those that apply to establishments that are licensed as retail package stores pursuant to § 57-3-204 or those set forth by the department by rule. Except in accordance with subsection (b), regulations that effectively prohibit or substantially restrict the operation of a medical marijuana establishment within the jurisdiction are prohibited.

(b)

(1) A county or municipality seeking to ban the retail sale of medical marijuana or medical marijuana products by a medical marijuana dispensary within its jurisdiction is authorized to do so by a two-thirds (2/3) vote of the local legislative body; provided, that the initial vote occurs no later than September 30, 2024.

(2) Notwithstanding any law to the contrary, a ban established pursuant to this subsection (b) expires one (1) year from the ban's effective date.

(3) A county or municipality that bans the sale, cultivation, or production of medical marijuana or medical marijuana products within its jurisdiction is disqualified from receiving any grant funds authorized under this chapter while the ban is in effect.

43-23-126. Use of gas chromatography mass spectrum tests.

Notwithstanding another law to the contrary:

(1) A person's bail, parole, probation, or suspended sentence shall not be revoked based solely on a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta 9 tetrahydrocannabinol);

(2) A student shall not be prohibited or otherwise restricted from participation in voluntary extracurricular activities, or be required to receive referral information under § 49-6-4213(k)(3), based solely on a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta 9 tetrahydrocannabinol) when the minor is administered a marijuana product in accordance with § 43-23-103(b);

(3) A governmental entity acting in its capacity as a public employer shall not take adverse action against an employee based solely on a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta 9 tetrahydrocannabinol); and

(4) A person shall not be required to receive a referral to a treatment resource or be prohibited from receiving public assistance based solely on a positive confirmatory urine drug test conducted via a gas chromatography mass spectrum test (GC-MS) for THC-COOH (11-nor-9-carboxy-delta 9 tetrahydrocannabinol). For purposes of this subdivision (4), "public assistance" includes, but is not limited to, assistance from the special supplemental food program for women, infants, and children; temporary assistance for needy

families (TANF); medicaid; the supplemental nutrition assistance program (SNAP); and other public assistance or welfare programs under title 71.

SECTION 3. Tennessee Code Annotated, Section 4-7-115, is amended by deleting the language "dogs trained to detect marijuana and other illicit substances" and substituting instead the language "dogs trained to detect illicit substances".

SECTION 4. Tennessee Code Annotated, Section 4-26-102, is amended by deleting subdivision (6)(B) and substituting instead the following:

(B) Impeded from normal entry into the economic mainstream because of past practices of discrimination based on race, religion, ethnic background, sex, or service in the armed forces;

SECTION 5. Tennessee Code Annotated, Section 38-6-108, is amended by deleting the language "dogs trained to detect marijuana and other illicit substances" and substituting instead the language "dogs trained to detect illicit substances".

SECTION 6. Tennessee Code Annotated, Section 39-17-402(12), is amended by deleting subdivision (C) from the definition of "drug paraphernalia" and substituting instead the following:

(C) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body;

SECTION 7. Tennessee Code Annotated, Section 39-17-427, is amended by adding the following as a new subdivision:

(3) A person lawfully manufactures, delivers, sells, possesses, or consumes marijuana or medical marijuana, as defined in § 43-23-101, in accordance with title 43, chapter 23;

SECTION 8. 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 9. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 10. For the purposes of promulgating rules and forms and initiating local bans, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.