|  |  |
| --- | --- |
| **Tennessee Disability Coalition**  **Priority and Other Relevant Bills 2018**  **End of Session**  Table of Contents  [CRIMINAL LAW 2](#_Toc512856233)  [SB378/HB345 Criminal offense defendants with severe mental illness. 3](#_Toc512856234)  [SB2277/HB2043 Rape of a person with an intellectual disability. 3](#_Toc512856235)  [SB2621/HB2159 Elderly and Vulnerable Adult Protection Act of 2018. 3](#_Toc512856236)  [EDUCATION 4](#_Toc512856237)  [SB987/HB1109 Requirements for IEA. 4](#_Toc512856238)  [SB1514/HB1533 American sign language as foreign language in schools. 5](#_Toc512856239)  [SB1947/HB2331 Report on use of corporal punishment. 5](#_Toc512856240)  [SB2330/HB2330 Corporal punishment against a disabled student. 5](#_Toc512856241)  [SB2610/HB2474 Eligibility for an individualized education account. 6](#_Toc512856242)  [ESTATES & TRUSTS 6](#_Toc512856243)  [SB2077/HB2117 Public guardianship for elderly persons and adults with disabilities. 6](#_Toc512856244)  [FAMILY LAW 7](#_Toc512856245)  [SB264/HB941 Supported Decision Making Agreement Act. 7](#_Toc512856246)  [HEALTH CARE 7](#_Toc512856247)  [SB1378/HB1394 Ending of a vulnerable adult's life in a humane and dignified manner. 7](#_Toc512856248)  [SB2008/HB2053 Department of health to make available information on Down syndrome to certain persons. 7](#_Toc512856249)  [SB2244/HB1820 Revises requirements for nursing homes, assisted care living facilities, and adult care homes. 8](#_Toc512856250)  [INSURANCE GENERAL 8](#_Toc512856251)  [SB1884/HB1873 Coverage for behavioral health treatment. 8](#_Toc512856252)  [LABOR LAW 8](#_Toc512856253)  [SB1904/HB1899 Disability discrimination. 9](#_Toc512856254)  [MEDIA & PUBLISHING 9](#_Toc512856255)  [SB1513/HB1702 Renames the regional library for the blind and physically handicapped. 9](#_Toc512856256)  [PROPERTY & HOUSING 9](#_Toc512856257)  [SB2214/HB1929 Sober living homes. 10](#_Toc512856258)  [PUBLIC FINANCE 10](#_Toc512856259)  [SB918/HB1385 Transfer of Clover Bottom property to metro government from department of general services. 10](#_Toc512856260)  [SB2275/HB2223 Appeal of fiscal notes by sponsor. 10](#_Toc512856261)  [TENNCARE 11](#_Toc512856262)  [SB1494/HB1542 Aging caregiver priority provisions - referral list for the TennCare CHOICES program. 11](#_Toc512856263)  [SB1728/HB1551 Work requirements for certain adult enrollees. 11](#_Toc512856264)  [SB2464/HB2124 Waiver amendment to the TennCare II waiver. 12](#_Toc512856265)  [TRANSPORTATION VEHICLES 12](#_Toc512856266)  [SB1109/HB1110 Special designation on driver and photo identification licenses for persons with developmental disabilities. 12](#_Toc512856267)  [SB2023/HB2065 Drivers who are deaf or hard of hearing. 13](#_Toc512856268) | |
|  | |
|  | |
| CRIMINAL LAW | |
|  | |
| SB378/HB345 Criminal offense defendants with severe mental illness. | |
|  | |
| **Sponsors:** Sen. Briggs, Richard , Rep. Farmer, Andrew | |
| **Summary:** This bill would have prohibited the death penalty as a punishment for defendants suffering from severe mental illness at the time of the offense (including bipolar and major depressive order with psychotic features), but did not pass this legislative session. | |
| **Fiscal Note:** (Dated March 3, 2017) NOT SIGNIFICANT | |
|  | |
| SB2277/HB2043 Rape of a person with an intellectual disability. | |
|  | |
| **Sponsors:** Sen. Pody, Mark , Rep. Deberry Jr., John | |
| **Summary:** This bill would have increased from a Class B to a Class A felony range II offender for a person convicted of rape of a person with an intellectual disability, but did not pass this legislative session.  **Fiscal Note:** (Dated March 5, 2018) Increase State Expenditures $492,500 Incarceration\* | |
|  | |
| SB2621/HB2159 Elderly and Vulnerable Adult Protection Act of 2018. | |
|  | |
| **Sponsors:** Sen. Norris, Mark , Rep. Keisling, Kelly | |
| **Summary:** This bill revises existing provisions and creates new offenses regarding the abuse of elderly and vulnerable adults.It includesprovisions regarding neglect and financial exploitation, and retains the present law Class D felony of knowingly abusing an adult and the present law Class C felony of knowingly physically abusing an impaired adult which results in serious mental or physical harm. This bill also clarifies what has to be proven in order "to convict" instead of "to prosecute and convict" a person for the offense of aggravated neglect that results in physical harm, and requires a person having reasonable suspicion that an elderly or vulnerable adult is the victim of aggravated rape, rape, aggravated sexual battery, or sexual battery, to report the conduct to adult protective services and to the local law enforcement agency in the jurisdiction where the offense occurred. | |
| **Fiscal Note:** (Dated February 4, 2018) Increase State Expenditures Net Impact $3,125,800 Incarceration\* Increase Local Expenditures Less Than $114,700\*\* | |

**Final Status:** 04/25/18 - Sent to the speakers for signatures.

EDUCATION

SB987/HB1109 Requirements for IEA.

**Sponsors:** Sen. Kelsey, Brian , Rep. Deberry Jr., John

**Summary:** This bill was rewritten to become the TNReady bill, but did not pass this legislative session. This bill would have:

* Required the office of research and education accountability in the office of the comptroller of the treasury to study and report on LEA’s use of the substantial funding increases provided by the state share of funds generated for components within the instructional salaries and wages category of the basic education program in the preceding three fiscal years and report its findings to the education committee of the senate and the education administration and planning committee of the house of representatives;
* Added to present law regarding assessment of teachers with access to individual data representative of student growth to provide that, for the 2017-2018 through 2019-2020 school years, student growth evaluation composites generated by assessments administered in the 2017-2018 school year would be excluded from the student growth measure if such exclusion results in a higher evaluation score for the teacher or principal (the qualitative portion of the evaluation would be increased to account for any necessary reduction to the student growth measure);
* Added to present law regarding elementary and secondary education proficiency testing that, beginning with the 2018-2019 school year, TNReady assessments would be administered in paper testing formats.

**Fiscal Note:** (Dated March 7, 2017) Increase State Revenue $5,000/FY18-19/Department of Education $5,400/FY19-20/Department of Education $5,500/FY20-21/Department of Education Exceeds $5,500/FY21-22 and Subsequent Years/Department of Education Increase Local Expenditures Exceeds $37,400/FY18-19\* Other Fiscal Impact For local education agencies (LEAs) with students that opt to participate in the IEA program, the net shift of state and required local BEP funding from these local education agencies to the participating entities, is estimated as follows: $119,600 in FY18-19; $129,400 in FY19-20; $133,300 in FY20-21; and amounts exceeding $133,300 in FY21-22 and subsequent years.

## SB1514/HB1533 American sign language as foreign language in schools.

**Sponsors:** Sen. Massey, Becky , Rep. Kane, Roger

**Summary:** This bill requires public institutions of higher education in Tennessee to adopt a policy allowing courses in American Sign Language to satisfy any foreign language requirements for admission to an undergraduate degree program.

**Fiscal Note:** (Dated February 2, 2018) NOT SIGNIFICANT

**Final Status:** Enacted as Public Chapter 0546 effective March 9, 2018.

## SB1947/HB2331 Report on use of corporal punishment.

**Sponsors:** Sen. Crowe, Rusty , Rep. Powell, Jason

**Summary:** This bill requires each LEA to submit an annual report detailing the use of corporal punishment beginning with the 2018-2019 school year. The report must include: information regarding the reason for each use of corporal punishment, the school at which each instance of corporal punishment occurred, the primary disability category for which a corporally disciplined student has an active IEP, and the reason for which a corporally disciplined student has a 504 plan. Requires the department of education to report on the number of instances involving a student with an active individualized education program or an active 504 plan on its website.

**Fiscal Note:** (Dated March 5, 2018) NOT SIGNIFICANT

**Final Status:** Enacted as Public Chapter 0777 effective April 19, 2018.

## SB2330/HB2330 Corporal punishment against a disabled student.

**Sponsors:** Sen. Kyle, Sara , Rep. Powell, Jason

**Summary:** This bill prohibits the use of corporal punishment against a student with a disability who has an IEP or a Section 504 plan. An exception exists if the LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child, stating the type and circumstances in which the corporal punishment may be used. The school's principal or chief administrative officer must: (1) Keep the written permission on file at the school; (2) Notify the parent any time corporal punishment is used and (3) Inform the parent that the parent may revoke the permission to use corporal punishment at any with written notice.

**Fiscal Note:** (Dated February 7, 2018) NOT SIGNIFICANT

**Final Status:** 04/26/18 - Sent to governor.

## SB2610/HB2474 Eligibility for an individualized education account.

**Sponsors:** Sen. Gresham, Dolores , Rep. Moody, Debra

**Summary:** This bill would have extended eligibility for an individualized education account to an eligible student with an individualized education program (IEP) and set requirements to be met for an eligible student requesting participation in the program, but did not pass this legislative session.

**Fiscal Note:** (Dated March 9, 2018) Increase State Revenue $241,900/FY19-20/Department of Education $272,700/FY20-21/Department of Education $307,500/FY21-22/Department of Education Exceeds $307,500/FY22-23 and Subsequent Years/Department of Education Increase State Expenditures $621,000/FY18-19/General Fund $240,900/FY19-20 and Subsequent Years/Department of Education Other Fiscal Impact For local education agencies (LEAs) with students that opt to participate in the IEA program, the net shift of state and required local BEP funding from these LEAs to the participating entities is estimated as follows: $3,789,900 in FY19-20; $4,271,700 in FY20-21; $4,817,800 in FY21-22; and amounts exceeding $4,817,800 in FY22-23 and subsequent years.

# ESTATES & TRUSTS

## SB2077/HB2117 Public guardianship for elderly persons and adults with disabilities.

**Sponsors:** Sen. Yager, Ken , Rep. Kumar, Sabi

**Summary:** This bill would have lowered the age requirement in the statewide public conservatorship program from 60 years or older to 40 years or older and changed statutory language to broaden the program to include adults with disabilities, but did not pass this legislative session.

# FAMILY LAW

## SB264/HB941 Supported Decision Making Agreement Act.

**Sponsors:** Sen. Massey, Becky , Rep. Carter, Mike

**Summary:** Present law concerning the appointment of guardians and conservators requires courts to ascertain and impose the least restrictive alternatives upon a person with a disability that are consistent with adequate protection of the person with a disability and the property of the person with a disability. This bill defines "least restrictive alternatives" to mean techniques and processes that preserve as many decision-making rights "as practical under the particular circumstances.”

**Fiscal Note:** (Dated February 2, 2017) NOT SIGNIFICANT

**Final Status:** Enacted as Public Chapter 0605 effective April 2, 2018.

# HEALTH CARE

## SB1378/HB1394 Ending of a vulnerable adult's life in a humane and dignified manner.

**Sponsors:** Sen. Tate, Reginald , Rep. Wirgau, Tim

**Summary:** This bill would have allowed an adult who is capable, is a resident of Tennessee, and had been determined by an attending physician and a consulting physician to be suffering from a terminal disease, and who had voluntarily expressed the wish to die, may have made a written request for medication for the purpose of ending the adult’s life in a humane and dignified manner, but this did not pass this legislative session.

**Fiscal Note:** (Dated March 22, 2017) Increase State Expenditures $2,200/One-Time $106,500/Recurring

## SB2008/HB2053 Department of health to make available information on Down syndrome to certain persons.

**Sponsors:** Sen. Massey, Becky , Rep. Staples, Rick

**Summary:** This bill states that the department of health shall make available up-to-date evidence-based information about Down syndrome and authorizes the information to be made available on the department's website. The online information must include: (1) Contact information regarding first call programs; (2) National, state, regional, and local Down syndrome organizations; and (3) Other educational and support programs. The information is intended to be made available to individuals who render prenatal care, postnatal care, or genetic counseling to any person who has received a prenatal or postnatal diagnosis of Down syndrome.

**Fiscal Note:** (Dated February 9, 2018) NOT SIGNIFICANT

**Final Status:** Enacted as Public Chapter 0773 effective July 1, 2018.

SB2244/HB1820 Revises requirements for nursing homes, assisted care living facilities, and adult care homes.

**Sponsors:** Sen. Norris, Mark, Rep. Hawk, David

**Summary:** This bill “revises various provisions relative to certain health care facilities and the suspension or revocation of licenses, injunctions and penalties, and prerequisites to including names on the abuse registry.”

**Fiscal Note:** (Dated February 20, 2018) NOT SIGNIFICANT

**Final Status:** Enacted as Public Chapter 0655 effective July 1, 2018.

|  |
| --- |
| INSURANCE GENERAL |
|  |
| SB1884/HB1873 Coverage for behavioral health treatment. |
|  |
| **Sponsors:** Sen. Briggs, Richard , Rep. McCormick, Gerald |
| **Summary:** This bill would have revised coverage of mental health to provide coverage for mental health, alcoholism or drug dependency, but did not pass this legislative session.  **Fiscal Note:** (Dated February 21, 2018) Increase State Expenditures - $117,200/FY18-19 $215,200/FY19-20 and Subsequent Years |
| LABOR LAW |
|  |
| SB1904/HB1899 Disability discrimination. |
|  |
| **Sponsors:** Sen. Yager, Ken , Rep. Brooks, Kevin |
| **Summary:** This bill would have required members of the General Assembly to safeguard individuals within this state from discrimination based on a disability in connection with employment, public accommodations and housing, but was deferred for summer study. It would have: established that it is a discriminatory practice for an employer to fail or refuse to hire or discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of an individual’s disability; prohibited an employer from limiting, segregating or classifying an employee or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of an individual's disability; requested, the code commission transfer Tenn. Code Ann. §§ 8-50-103 and 8-50-104, regarding the employment of the disabled, to Tenn. Code Ann. § 4-21-4, and make all applicable cross referencing changes that occur throughout code.  **Fiscal Note:** (Dated February 17, 2018) NOT SIGNIFICANT |
| **Final Status:** Deferred to TCAD for summer study. |
|  |
| MEDIA & PUBLISHING |
|  |
| SB1513/HB1702 Renames the regional library for the blind and physically handicapped. |
|  |
| **Sponsors:** Sen. Massey, Becky , Rep. Jernigan, Darren |
| **Summary:** This bill renames the regional library for the blind and physically handicapped to the regional library for accessible books and media; updates antiquated language regarding persons with disabilities within statutory provisions relative to the state library system. |
| **Fiscal Note:** (Dated January 25, 2018) NOT SIGNIFICANT |
| **Final Status:** Enacted as Public Chapter 0543 effective March 9, 2018. |
| PROPERTY & HOUSING |
|  |
| SB2214/HB1929 Sober living homes. |
|  |
| **Sponsors:** Sen. Swann, Art , Rep. Curcio , Michael |
| **Summary:** This bill requires a municipality to display required notice regarding unlawful operation of alcohol and drug abuse prevention and or treatment services in city hall or other building that houses the municipality's seat of government. Requires a municipality that maintains a website to also place such notice predominantly on its website. Authorizes a municipality to adopt an ordinance to require sober living homes to display notice in a prominent place within the sober living home and further authorizes municipalities to adopt ordinances encouraging sober living homes to become chartered and comply with applicable requirements.  **Fiscal Note:** (Dated February 13, 2018) Increase State Expenditures $1,410,000 |
| **Final Status:** 04/26/18 - Sent to governor. |
| PUBLIC FINANCE |
|  |
| SB918/HB1385 Transfer of Clover Bottom property to metro government from department of general services. |
|  |
| **Sponsors:** Sen. Dickerson, Steven , Rep. Jernigan, Darren |
| **Summary:** This bill would have required the department of general services to transfer the Clover Bottom property to Metropolitan Government of Nashville-Davidson County by sale or land swap no later than June 30, 2018 and earmarked any proceeds from a sale to the Employment and Community First CHOICES Program, but did not pass this legislative session. |
| SB2275/HB2223 Appeal of fiscal notes by sponsor.  **Sponsors:** Sen. Watson, Bo , Rep. Daniel, Martin  **Summary:** This bill would have allowed the sponsor of a bill to appeal the fiscal note to the fiscal review committee, but did not pass this legislative session.  **Fiscal Note:** (Dated February 13, 2018) Increase State Expenditures Exceeds $61,800 Other Fiscal Impact The provisions of the proposed legislation could result in changes to fiscal analysis as determined by the members of the Fiscal Review Committee instead of the FRC staff and could extend the average length of session. Both of these could result in significant additional expenditures. Due to multiple unknown factors, the exact increase in expenditures cannot be reasonably quantified. |
| TENNCARE |
|  |
| SB1494/HB1542 Aging caregiver priority provisions - referral list for the TennCare CHOICES program. |
|  |
| **Sponsors:** Sen. Haile, Ferrell , Rep. Ramsey, Bob |
| **Summary:** This bill provides: (1) That an eligible person with an intellectual disability who is on the referral list for services and whose older custodial parent, or custodial caregiver, attains 75 years of age must be enrolled in employment and community first choices Group 5 or a similarly capped home and community based services program within six months of the person's parent or caregiver attaining that age; and (2) That an eligible person with a developmental disability other than an intellectual disability who is on the referral list for services and whose older custodial parent, or custodial caregiver, attains 80 years of age must be enrolled in employment and community first choices Group 5 or a similarly capped home and community based services program within six months of the person's parent or caregiver attaining that age. |
| **Fiscal Note:** (Dated January 28, 2018) Increase State Expenditures - $2,011,400/FY18-19 $3,017,100/FY19-20 and Subsequent Years Increase Federal Expenditures - $3,879,900/FY18-19 $5,819,800/FY19-20 and Subsequent Years |
| **Final Status:** 04/25/18 - Sent to the speakers for signatures. |
|  |
| SB1728/HB1551 Work requirements for certain adult enrollees. |
|  |
| **Sponsors:** Sen. Bell, Mike , Rep. Harwell, Beth |
| **Summary:** This bill (1) requires the submission of a TennCare II waiver amendment to CMS imposing reasonable work and community engagement requirements upon able-bodied working age adult enrollees without dependent children under the age of six; and (2) requires the alignment of any required work and community engagement with the requirements of the temporary assistance to needy families (TANF) program under the Families First Act of 1996 and be consistent with the most recent guidance to state Medicaid directors provided by CMS concerning opportunities to promote work and community engagement in demonstration projects.  **Fiscal Note:** (Dated February 12, 2018) Increase State Expenditures - $646,600/FY19-20 Net Impact $18,733,300/FY20-21 and Subsequent Years Increase Federal Expenditures - $5,126,600/FY19-20 Net Impact $15,338,200/FY20-21 and Subsequent Years Other Fiscal Impact There will be additional savings as the program continues to grow and additional enrollees either no longer qualify due to income limits or do not meet work requirements. There could be additional costs related to staffing needs of the Division of TennCare. The exact amounts and timing of such amounts cannot be quantified due to the uncertainty of the program parameters. |
| **Final Status:** 04/26/18 - Sent to governor. |
|  |
| SB2464/HB2124 Waiver amendment to the TennCare II waiver. |
|  |
| **Sponsors:** Sen. Roberts, Kerry , Rep. Williams, Ryan |
| **Summary:** This bill would have required the commissioner of finance and administration to seek a waiver amendment to the TennCare II waiver, necessitating certain TennCare enrollees to spend at least 20 hours working every week and another 20 volunteering in order to receive coverage (excluding enrollees who are pregnant, over the age of 64, and those who are a caretaker responsible for a child under the age of one), and requiring enrollees to undergo routine drug tests. This bill did not pass this legislative session.  **Fiscal Note:** (Dated February 25, 2018) Increase State Expenditures - $646,600/FY19-20 Net Impact - $18,733,300/FY20-21 and Subsequent Years Increase Federal Expenditures - $5,126,600/FY19-20 Net Impact - $15,338,200/FY20-21 and Subsequent Years Other Fiscal Impact There will be additional savings as the program continues to grow and additional enrollees either no longer qualify due to income limits or not meeting work requirements. There could also be a reduction in program expenditures should enrollees share in the costs of certain emergency room visits. Further, there could be additional costs related to staffing needs of the Division of TennCare. The exact amounts and timing of such amounts cannot be quantified due to the uncertainty of the program parameters. |
|  |
| TRANSPORTATION VEHICLES |
|  |
| SB1109/HB1110 Special designation on driver and photo identification licenses for persons with developmental disabilities. |
|  |
| **Sponsors:** Sen. Kyle, Sara , Rep. Deberry Jr., John |
| **Summary:** The bill authorizes the department of safety to issue special designation on driver and photo identification licenses for persons with developmental disabilities or acquired brain injury who voluntarily choose to add it. A person shall bear the associated costs, consistent with established fees applicable to reissuance of licenses if a person chooses to change their license outside the normal renewal schedule. This designation can also be voluntarily removed. Requires a law enforcement officer who interacts with a person who is a victim, witness, or suspect, or a person otherwise stopped by a law enforcement officer in relation to an offense or violation, and who exhibits characteristics of a developmental disability or acquired brain injury to make a good faith effort to immediately contact the person's parent, guardian, or conservator regarding the interaction. Requires, upon the request of a person diagnosed with a developmental disability, acquired brain injury or the person's conservator, that law enforcement make a good faith effort to ensure that a social services worker, or related professional is present at all interviews with the person. The effective date is July 1, 2019. |
| **Fiscal Note:** (Dated March 9, 2017) Increase State Expenditures Exceeds $60,000/One-Time Other Fiscal Impact To the extent redesign of the driver license card can be accomplished with one of two available allowances permitted by the current third party vendor contract, any impact would be not significant. Otherwise, redesign of the card will result in an additional one-time state expenditure estimated to be $100,000. |
| **Fiscal Status:** 04/24/18 - Sent to the speakers for signatures. |
|  |
| SB2023/HB2065 Drivers who are deaf or hard of hearing. |
|  |
| **Sponsors:** Sen. Haile, Ferrell , Rep. Vaughan, Kevin |
| **Summary:** This bill authorizes an owner or lessee of a motor vehicle who is deaf or hard of hearing and possesses a vehicle registration to request a voluntary notation of their disability into the Vehicle Title and Registration System. All law enforcement officers charged with the enforcement of this title and emergency call takers and public safety dispatchers shall receive instruction in the identification of deaf or hard of hearing designation included in the VTRS database as provided for in this section. |
| **Final Status:** Enacted as Public Chapter 0735 effective July 1, 2018. |