

FILED	AMEND	Senate Bill No. 1248*	House Bill No. 1284
Date	_____		
Time	_____		
Clerk	_____		
Comm. Amdt.	_____		
Amendment No. _____			
_____ Signature of Sponsor			

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding the following as a new part 26:

68-1-2601.

(a) As used in this part, unless the context otherwise requires:

(1) "Approved delivery methods" means those means by which medical cannabis can be lawfully recommended for medical use. Approved delivery methods include vaporization or atomization, oils, ingestibles, and transdermal patches. No other method may be physician recommended or dispensed without receiving a recommendation from the department of health and confirmation by the general assembly;

(2) "Cannabis" means the plant cannabis, as defined as marijuana in § 39-17-402;

(3) "CBD" means cannabidiol;

(4) "Commissioner" means the commissioner of health;

(5) "Cultivation" includes planting, propagating, cultivating, growing, and harvesting;

(6) "Debilitating medical condition" means:

(A) Stage II-IV terminal cancer, Parkinson's disease, multiple sclerosis, intractable seizures diagnosed from epilepsy, Crohn's disease, Huntington's disease and damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity; or

(B) Any terminal health condition in which a palliative use is recommended for end-of-life care;

(7) "Department" means the department of health;

(8) "Palliative use":

(A) Means the acquisition, distribution, transfer, possession, use, or transportation of cannabis or paraphernalia relating to cannabis, including the transfer of cannabis and paraphernalia relating to cannabis from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of cannabis by any person other than the qualifying patient; and

(B) Does not include the combustion of raw cannabis flowers;

(C) Does not include ingestible confections or baked goods.

(9) "Paraphernalia" means drug paraphernalia, as defined in § 39-17-402;

(10) "Physician" means a person who:

(A) Is licensed under title 63, chapter 6;

(B) Has prescriptive authority within this state; and

(C) Is a specialist in a field relevant to the qualifying patient's debilitating medical condition;

(11) "Primary caregiver" means a person, other than the qualifying patient or the qualifying patient's physician, who is eighteen (18) years of age or older

and who has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of cannabis; provided:

(A) In the case of a qualifying patient lacking legal capacity, such person shall be a parent, guardian, or person having legal custody of the qualifying patient; and

(B) The need for such person shall be evaluated by the qualifying patient's physician, and the need shall be documented in the written certification;

(12) "Qualifying patient":

(A) Means a person who is eighteen (18) years of age or older, or who is under eighteen (18) years of age and who has a primary caregiver, is a resident of this state, and has been diagnosed by a physician as having a debilitating medical condition; and

(B) Does not include an inmate confined in a correctional institution or facility under the supervision of the department of correction;

(13) "Qualifying reciprocal patient" means a qualifying patient who is not a resident of this state and who is in this state under the care of a physician licensed in this state for the treatment of a debilitating medical condition;

(14) "Registered organization" means a person licensed by the commissioner of health pursuant to § 68-1-2606, and that is a not-for-profit corporation or a for-profit entity organized for the purpose of acquiring, cultivating, possessing, manufacturing, processing, producing, selling, delivering, transporting, distributing, or dispensing cannabis for certified medical use;

(15) "Testing laboratory" means a laboratory licensed by the department of health pursuant to the Tennessee Medical Laboratory Act, compiled in chapter 29 of this title;

(16) "THC" means tetrahydrocannabinol; and

(17) "Written certification" means a written certification issued by a licensed Tennessee physician pursuant to § 68-1-2604.

68-1-2602.

(a) The commissioner shall establish a board of physicians consisting of eight (8) physicians who are knowledgeable about the palliative use of cannabis and certified by the appropriate American board in one (1) of the following specialties: neurology, pain medicine, pain management, medical oncology, psychiatry, infectious disease, family medicine, or gynecology. Four (4) of the members of the board first appointed shall serve for a term of three (3) years, and four (4) of the members of the board first appointed shall serve for a term of four (4) years. Thereafter, members of the board shall serve for a term of four (4) years and shall be eligible for reappointment. Any member of the board may serve until a successor is appointed. The commissioner shall serve as an ex officio member of the board and shall select a chairperson from among the members of the board.

(b) A quorum of the board of physicians shall consist of three (3) members.

(c) The board of physicians shall:

(1) Review and recommend to the department for approval the debilitating medical conditions, medical treatments, or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of cannabis;

(2) Accept and review petitions to add medical conditions, medical treatments, or diseases to the list of debilitating medical conditions that qualify for the palliative use of cannabis;

(3) Convene at least four (4) times per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential, for the

purpose of adding medical conditions, medical treatments, or diseases to the list of debilitating medical conditions that qualify for the palliative use of cannabis;

(4) Review and recommend to the department protocols for determining the amounts of cannabis that may be reasonably necessary to ensure uninterrupted availability for a period of one (1) month for qualifying patients, including amounts for topical treatments; and

(5) Perform other duties related to the palliative use of cannabis upon the request of the commissioner.

(d) Any individually identifiable health information contained in a petition received under this section shall be confidential and shall not be subject to disclosure as a public record under title 10, chapter 7, part 5.

(e) Recommendations of the board of physicians shall also be made to the general assembly concerning modification in conditions that qualify as debilitating medical conditions; provided, any modification to the definition of a debilitating medical condition shall be by statute enacted by the general assembly.

68-1-2603.

(a) The department shall implement a secure electronic online regulatory reporting system (“system”) for the registration of plants, batches, and packages. The system shall include and require the reporting of all tracking events from plant seedling or clone through the sale of a cannabis product. The event tracking shall provide a secure record for the chain of custody.

(b) The department shall have primary oversight of the system.

(c)

(1) The system shall be web-based and accessible by the department and its affiliated agencies, the Tennessee bureau of investigation, and licensees.

(2) Local law enforcement agencies shall have access to:

(A) Patient identification numbers to verify that a patient or caregiver's registry identification card is valid; and

(B) Transfer manifests, that allow monitoring of legal product movement.

(d) The primary purpose of the system is to control unlawful diversions and protect patient safety through product traceability and chain of custody. The system shall require the serialization of each plant, batch, and package of cannabis and cannabis-infused products. Each plant and package shall be tagged with its serial number. The tags shall be both human and machine readable by barcode and radio frequency. The ongoing cost of the system shall be the responsibility of the licensee.

(e) The department shall implement a manifest system for secure delivery from a production facility to a dispensing facility. The department shall provide the form of manifest that shall be completed by the registered organization and transmitted to the department. The department shall confirm receipt in real time, authorizing the registered organization to commence delivery. The manifest shall include the following:

(1) The products and product amounts to be delivered;

(2) The make, model, and license plate number of the vehicle in which the product will be transported;

(3) A copy of the delivery person's valid driver license;

(4) The originating and terminating addresses; and

(5) The route of delivery.

(f) The department shall promulgate rules allowing for the recall of any product batches through the regulatory reporting system.

(g) Records of the system shall be confidential and shall not be public records subject to disclosure under title 10, chapter 7, part 5. The department may authorize limited access to the records by other persons and entities by rule in accordance with

subsection (c). The department may require that persons and entities receiving access to the records maintain the confidentiality of the records.

68-1-2604.

(a) A physician shall issue a written certification to a qualifying patient that authorizes the palliative use of cannabis by the qualifying patient. The written certification shall be in the form prescribed by the department and shall include a statement signed and dated by the qualifying patient's physician stating that, in the physician's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the palliative use of cannabis would likely outweigh the health risks of such use to the qualifying patient. The written certification shall identify the delivery method that the physician recommends the qualifying patient use for administering cannabis.

(b) Any written certification for the palliative use of cannabis issued by a physician under subsection (a) shall be valid for a period not to exceed six (6) months from the date the written certification is signed and dated by the physician. Not later than ten (10) calendar days after the expiration of that period, or at any time before the expiration of that period should the qualifying patient no longer wish to possess cannabis for palliative use, the qualifying patient or the primary caregiver shall destroy all usable cannabis possessed by the qualifying patient and the primary caregiver for palliative use.

(c) A physician shall not be subject to arrest or prosecution, penalized in any manner, including being subject to any civil penalty, or denied any right or privilege, including being subject to any disciplinary action by the board of medical examiners, the board of osteopathic examination, or other professional licensing board, for providing a written certification for the palliative use of cannabis under this part if:

(1) The physician has diagnosed the qualifying patient as having a debilitating medical condition;

(2) The physician has explained the potential risks and benefits of the palliative use of cannabis to the qualifying patient and, if the qualifying patient lacks legal capacity, to a parent, guardian, or person having legal custody of the qualifying patient;

(3) The written certification issued by the physician is based upon the physician's professional opinion after having completed a medically reasonable assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship; and

(4) The physician has no financial interest in a registered organization, any of its parent companies, or dispensaries, under § 68-1-2606.

(d) A physician may issue a written certification to a qualifying patient if that patient's primary physician is employed by the veterans administration, and the qualifying patient presents the patient's medical records to show diagnosis of a qualifying debilitating condition, after a review of all presented medical records.  
68-1-2605.

(a) The department shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

(b) Except as otherwise provided in subdivisions (b)(3) and (5), the department or its designee shall issue a registry identification card to a person who is a resident of this state and who submits an application on a form prescribed by the department accompanied by the following:

(1) Valid, written certification from the person's physicians in accordance with § 68-1-2604, stating that:

(A) The person has been diagnosed with a debilitating medical condition;



(B) The medical use of cannabis may mitigate the symptoms or effects of that condition; and

(C) The attending physician has explained the possible risks and benefits of the medical use of cannabis;

(2) The name, address, telephone number, social security number, and date of birth of the person;

(3) Proof satisfactory to the department that the person is a resident of this state, or, in the case of a qualifying reciprocal patient, proof satisfactory to the department that the person is primarily in this state for the treatment of a qualifying debilitating condition;

(4) The name, address, and telephone number of the person's attending physician; and

(5) If the person elects to designate a primary caregiver at the time of application:

(A) The name, address, telephone number, and social security number of the designated primary caregiver; and

(B) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

(c) The department or its designee shall issue a registry identification card to a person who is under eighteen (18) years of age if:

(1) The person submits the materials required pursuant to subsection (b); and

(2) The custodial parent or legal guardian with responsibility for healthcare decisions for the person under eighteen (18) years of age signs a written statement setting forth that:

(A) The attending physician of the person under eighteen (18) years of age has explained to that person and to the custodial parent or legal guardian with responsibility for healthcare decisions for that person the possible risks and benefits of the medical use of cannabis;

(B) The custodial parent or legal guardian with responsibility for healthcare decisions for the person under eighteen (18) years of age consents to the use of cannabis by that person for medical purposes;

(C) The custodial parent or legal guardian with responsibility for healthcare decisions for the person under eighteen (18) years of age agrees to serve as the designated primary caregiver for that person; and

(D) The custodial parent or legal guardian with responsibility for healthcare decisions for the person under eighteen (18) years of age agrees to control the acquisition of cannabis and the dosage and frequency of use by that person.

(d) The form prescribed by the department to be used by a person applying for a registry identification card pursuant to this section shall be a form that is in triplicate.

Upon receipt of an application that is completed and submitted pursuant to this section, the department shall:

(1) Record on the application the date on which it was received;

(2) Retain one (1) copy of the application for the records of the department; and

(3) Distribute the other two (2) copies of the application in the following manner:

(A) One (1) copy to the person who submitted the application;

and

(B) One (1) copy to the applicant's designated primary caregiver, if any.

(e) The department shall verify the information contained in an application submitted pursuant to this section and shall approve or deny the application within thirty (30) days after receiving the application. The department may contact an applicant, the applicant's attending physician, and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate.

The department may deny an application only on the following grounds:

(1) The applicant failed to provide the information required pursuant to subsections (b) and (c) to:

(A) Establish the applicant's debilitating medical condition;

or

(B) Document the applicant's consultation with an attending physician regarding the medical use of cannabis in connection with that condition;

(2) The applicant failed to comply with rules adopted by the department, including where:

(A) The department determines that the information provided by the applicant was falsified;

(B) The department determines that a physician signing the written certification on behalf of the applicant is not licensed to practice medicine or osteopathic medicine in this state or is not in good standing, as reported by the board of medical examiners or the board of osteopathic examination, as applicable;

(C) The department determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been

convicted of knowingly or intentionally selling a controlled substance;

(D) The department has prohibited the applicant from obtaining or using a registry identification card;

(E) The department determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card revoked; or

(F) In the case of a person under eighteen (18) years of age, the custodial parent or legal guardian with responsibility for healthcare decisions for the person has not signed the written statement required pursuant to subdivision (c)(2).

(f) The decision of the department to deny an application for a registry identification card is a final decision for the purposes of judicial review under § 4-5-322. Only the person whose application has been denied or, in the case of a person under eighteen (18) years of age whose application has been denied, the person's parent or legal guardian has standing to contest the determination of the department.

Notwithstanding § 4-5-322, judicial review authorized pursuant to this subsection (f) shall be limited to a determination of whether the denial was arbitrary, capricious, or otherwise characterized by an abuse of discretion and shall be conducted in accordance with the procedures set forth for reviewing a final decision of an agency.

(g) A person whose application has been denied may not reapply for three (3) months after the date of the denial, unless the department or a court of competent jurisdiction authorizes reapplication in a shorter time.

(h)

(1) Except as provided in subdivision (h)(1), if a person has applied for a registry identification card pursuant to this section and the department has not

yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer the copy of the application provided to the person pursuant to subsection (d).

(2) A person shall not be deemed to hold a registry identification card for a period of more than thirty (30) days after the date on which the department received the application.

~~(i) In addition to any other requirement of this section, in order for the department to issue a registry identification card, the applicant shall surrender any driver license that the applicant may hold and surrender any related driving privilege that the individual may hold in this state. The department shall notify the department of safety of any individual who has surrendered the individual's driver license and driving privilege, so that the department may take appropriate action concerning the driver license of the individual. If the department is notified that an individual who has been issued a registry identification card has operated a motor vehicle after the individual surrendered the individual's driver license, the department shall revoke the individual's registry identification card after providing the individual notice of intent to revoke and opportunity to have a hearing on the proposed revocation.~~

68-1-2606.

(a) No person may act as a registered organization or represent that the person is a registered organization unless the person obtains a license from the commissioner pursuant to this section.

(b) The commissioner shall determine the number of registered organizations appropriate to meet the needs of qualifying patients in this state and shall adopt rules to provide for the licensure, standards, and locations for registered organizations in this state and to specify the maximum number of registered organizations that may be

licensed in this state at any time. The initial number of registered organizations shall be six (6), and the commissioner may approve up to an additional six (6) organizations to meet the needs of qualifying patients. On and after the effective date of such rules, the commissioner may license any person who applies for a license in accordance with the rules, provided:

(1) The applicant is organized for the purpose of cultivating cannabis for palliative use in this state;

(2) The commissioner finds that the applicant has appropriate expertise in agriculture and that the applicant is qualified to cultivate cannabis and sell, deliver, transport, or distribute cannabis solely within this state pursuant to § 68-1-2603; and

(3) The number of registered organization licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection (b). At a minimum, rules shall:

(A) Indicate the maximum number of registered organizations that may be licensed in this state at any time, which number shall not be less than six (6) nor more than twelve (12) registered organizations;

(B) Provide that no cannabis may be sold, delivered, transported, or distributed by a registered organization from or to a location outside of this state;

(C) Establish a nonrefundable application fee of not less than fifty thousand dollars (\$50,000) for each application submitted for a registered organization license;

(D) Establish a license fee and renewal fee for each licensed registered organization; provided, that the aggregate amount of such

license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating registered organization;

(E) Provide for renewal of registered organization licenses at least every five (5) years;

(F) Provide that no registered organization shall cultivate cannabis for palliative use outside of this state and designate permissible locations for licensed producers in this state;

(G) Establish financial requirements for registered organizations, under which:

(i) Each applicant shall demonstrate the financial capacity to build and operate a cannabis production facility; and

(ii) Each licensed registered organization shall be required to maintain an escrow account or performance bond in a financial institution in this state in an amount of one million dollars (\$1,000,000) assigned to the treasury department for the disposal and shutdown of the registered organization, that shall be renewed annually;

(H) Establish health, safety, and security requirements for registered organizations, including a requirement that the applicant or licensed producer demonstrate:

(i) The ability to maintain adequate control against the diversion, theft, and loss of cannabis cultivated by the registered organization; and

(ii) The ability to cultivate pharmaceutical grade cannabis for palliative use in a secure indoor facility;

(I) Establish standards and procedures for revocation, suspension, summary suspension, and nonrenewal of registered organization licenses; provided, that standards and procedures are in accordance with chapter 11, part 2 of this title; and

(J) Establish other licensing, renewal, and operational standards deemed necessary by the commissioner.

(c) Any fees collected by the department under this section shall be paid to the state treasurer.

(d) The completed application form shall include the following:

(1) An initial nonrefundable application fee of fifty thousand dollars (\$50,000) ~~and a performance bond of five million dollars (\$5,000,000), assigned to the treasury department for the disposal and shutdown of the registered organization, that shall be renewed annually;~~ and

(2) A written explanation or written documentation, as applicable, showing how the applicant meets the requirements of this section. The applicant shall disclose the name, position, and résumé of each employee, and shall also disclose if the relevant experience is gained through a consultant or an operator. Greater weight shall be given to the operator experience over the experience of a consultant provided an applicant. In any explanation, the applicant shall address each of the following:

(A) The technical and technological ability to cultivate and produce cannabis that addresses:

- (i) Experience cultivating cannabis;
- (ii) Experience growing plants not native to this state;
- (iii) Experience cultivating plants for human consumption

such as food or medicinal products;



- (iv) Experience with tissue culturing or plant genetics;
  - (v) Experience using clean growing rooms;
  - (vi) Knowledge of cannabis cultivation, including:
    - (a) Proper cultivation conditions and techniques;
    - (b) Additives that can be used when growing cannabis;
    - (c) Pests and nutritional deficiencies common for cannabis; and
    - (d) Production of high-quality product in a short time;
  - (vii) Experience with tracking each plant in a harvest;
  - (viii) Experience with good manufacturing practices;
  - (ix) Experience with analytical and organic chemistry;
  - (x) Experience with analytical laboratory methods;
  - (xi) Experience with analytical laboratory quality control, including maintaining a chain of custody;
  - (xii) Knowledge of and experience with CBD and THC extraction techniques;
  - (xiii) Knowledge of CBD and THC routes of administration;
  - (xiv) Knowledge of and experience with producing ancillary products;
  - (xv) Experience interacting with patients; and
  - (xvi) Experience with handling confidential information;
- (B) That all owners and managers have been fingerprinted and have submitted to a criminal background check pursuant to § 38-6-109, within the calendar year prior to application. The applicant shall submit

the screening report for each owner and manager, including a list of all owners and managers and the date of each individual's most recent criminal background check; and

(C) That all owners and managers have an established anti-drug policy ~~including mandatory monthly drug testing for THC with zero tolerance.~~

68-1-2607.

(a) A qualifying patient shall register with the department pursuant to § 68-1-2605, prior to engaging in the palliative use of cannabis. A qualifying patient who has a valid registry identification card from the department pursuant to § 68-1-2605, shall not be subject to arrest or prosecution or penalized in any manner, including being subject to any civil penalty, or being denied any right or privilege, including being subject to any disciplinary action by a professional licensing board, for the palliative use of cannabis if:

(1) The qualifying patient's physician has issued a written certification to the qualifying patient for the palliative use of cannabis after the physician has prescribed, or determined it is not in the best interest of the patient to prescribe, prescription drugs to address the symptoms or effects for which the certification is being issued;

(2) The combined amount of cannabis possessed by the qualifying patient and the primary caregiver for palliative use does not exceed an amount of usable cannabis reasonably necessary to ensure uninterrupted availability for a period of one (1) month. ~~The amount of usable cannabis shall be two and one-half ounces (2.5 oz.) per month unless otherwise noted by the qualifying physician;~~ and

(3) The qualifying patient has not more than one (1) primary caregiver at any time.

(b) Subsection (a) shall not apply to:

(1) Any palliative use of cannabis that endangers the health or well-being of a person other than the qualifying patient or the primary caregiver; or

(2)

(A) The ingestion of cannabis:

(i) In a bus or a school bus or in any other moving vehicle;

(ii) In the workplace;

(iii) On any school grounds or any public or private school, dormitory, college, or university property;

(iv) In any public place; or

(v) In the presence of a person under the age of eighteen

(18);

(B) For the purposes of this subdivision (b)(2)(A):

(i) "Bus" means a bus, as defined in § 55-8-101;

(ii) "Presence" means within the direct line of sight of the palliative use of cannabis or exposure to second-hand cannabis smoke, or both;

(iii) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests;

(iv) "School bus" means a school bus, as defined in § 55-8-101; and

(v) "Vehicle" means a vehicle, as defined in § 55-1-103.

68-1-2608.

(a) Except as otherwise provided in this section, a person who holds a valid registry identification card issued to the person pursuant to § 68-1-2605, is exempt from prosecution for:

(1) Possession, exchange, delivery, or production of marijuana under § 39-17-417 or § 39-17-418;

(2) Possession or delivery of drug paraphernalia under § 39-17-425;

(3) Aiding and abetting another in the possession, delivery, or production of marijuana;

(4) Aiding and abetting another in the possession or delivery of drug paraphernalia;

(5) Any combination of the acts described in subdivisions (a)(1)-(4), inclusive; and

(6) Any other criminal offense in which the possession, delivery, or production of marijuana or cannabis or the possession or delivery of drug paraphernalia is an element of the offense.

(b) In addition to subsection (a), no person may be subject to state prosecution for constructive possession, conspiracy, or any other criminal offense solely for being in the presence or vicinity of the palliative use of cannabis in accordance with this part. 68-1-2609.

The commissioner shall issue licenses no later than six (6) months from the effective date of this part.

68-1-2610.

(a)

(1) The department shall establish standards and certify independent testing laboratories to test cannabis and cannabis-infused products that are to be sold in this state.

(2) A testing laboratory is required to determine the following accurately with respect to cannabis and cannabis-infused products that are sold or will be sold in this state:

- (A) The concentration of THC and cannabidiol;
- (B) Whether the tested material is organic or nonorganic;
- (C) The presence and identification of molds and fungus; and
- (D) The presence and concentration of fertilizers and other nutrients.

(3) To obtain certification by the department on behalf of an independent testing laboratory, an applicant shall:

- (A) Apply successfully as determined by regulations promulgated by the commissioner; and
- (B) Pay the fees as determined by the commissioner to ensure the certification, regulations, and enforcement of this section is revenue neutral.

(b)

(1) The department shall establish standards for certifying laboratories internal to the registered organizations to test cannabis and cannabis-infused products that are to be sold in this state.

(2) The testing laboratory is required to determine the following accurately with respect to cannabis and cannabis-infused products that are sold or will be sold in this state:

- (A) The concentration of THC and cannabidiol;
- (B) Whether the tested material is organic or nonorganic;
- (C) The presence and identification of molds and fungus; and

(D) The presence and concentration of fertilizers and other nutrients.

(3) To obtain certification by the department on behalf of an internal testing laboratory, an applicant shall:

(A) Apply successfully as determined by regulations promulgated by the commissioner;

(B) Pay the fees as determined by the commissioner to ensure the certification, regulation, and enforcement of this section is revenue neutral; and

(C) Submit to third-party audits of internal testing and processes of the internal testing laboratory.

68-1-2611.

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

68-1-2612.

(a) In addition to any other tax imposed by law, all registered organizations doing business in this state shall pay tax on the gross amount of sales collected from operations under this part in the amount of ten percent (10%).

(b) The taxes provided for in this section shall be due and payable on a quarterly basis with payments being due and payable on June 1, August 20, December 1, and March 1.

(c) The proceeds of the tax imposed by subsection (a) shall be allocated by the general appropriations act as follows:

(1) One percent (1%) of revenues to the department of mental health and substance abuse services for the sole purpose of providing a public awareness campaign aimed at youth, focusing on the dangers of marijuana use; and

(2) Nine percent (9%) of revenues to the department of intellectual and developmental disabilities for the sole purpose of providing home and community-based services to eligible persons on the waiting list for those services.

(d) The amount of taxes collected under this section shall be a single credit against the sum total of the taxes imposed by the Franchise Tax Law of 1999, compiled in title 67, chapter 4, part 21, and by the Excise Tax Law of 1999, compiled in title 67, chapter 4, part 20.

68-1-2613.

(1) A registry identification card and the supporting information submitted by a qualifying patient, including information regarding the patient's physician, is confidential and protected under the federal Health Insurance Portability and Accountability Act of 1996.

(2) The department shall maintain a confidential list of program participants whose physicians have certified them in the program and to whom the department has issued registry identification cards. Individual names and other identifying information on the list are considered confidential and exempt from the public record provisions of title 10, chapter 7, part 5, and are not subject to disclosure, except to authorized employees of the program as necessary to perform official duties of the program.

SECTION 2. Tennessee Code Annotated, Section 4-29-238(a), is amended by adding a new subdivision as follows:

( ) Board of physicians, created by § 68-1-2602;

SECTION 3. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following language as a new subsection (o):

(o) This section does not apply to persons authorized by and in compliance with title 68, chapter 1, part 26, regarding the manufacture, delivery, sale, or possession of cannabis for palliative use.

SECTION 4. Tennessee Code Annotated, Section 39-17-418, is amended by adding the following language as a new subsection (g):

(g) This section does not apply to persons authorized by and in compliance with title 68, chapter 1, part 26, regarding the possession of cannabis for palliative use.

SECTION 5. Tennessee Code Annotated, Section 39-17-425, is amended by deleting the language “authorized by this part and title 53, chapter 11, parts 3 and 4” wherever it appears and by substituting instead the language “authorized by this part, title 68, chapter 1, part 26, and title 53, chapter 11, parts 3 and 4”.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, Part 3, is amended by adding the following as a new section to be appropriately designated:

An individual who possesses a registry identification card may not be denied chronic non-malignant pain treatment by a pain management clinic for the reason that the individual has tested positive for THC or marijuana in a drug test administered pursuant to this part or the guidelines issued under part 4 of this chapter.

SECTION 7. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall 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 declared to be severable.

SECTION 8. For the purpose of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, ~~2016~~2015, the public welfare requiring it.



