



RAMSEY FARRAR & BATES

SPECIAL SESSION LEGISLATIVE WRAP UP

The 2nd extraordinary session of the 111th General Assembly convened Monday, August 10, 2020, and met for three days to discuss the items laid out in the Governor's proclamation calling the special session: COVID-19 liability protection, telehealth/telemedicine, and protests. Below is a list of legislation which passed during this session along with a brief description. Bills which did not receive a favorable vote in committee are also included. For more information on any piece of legislation, you can visit www.capitol.tn.gov

New Laws:

COVID-19 LIABILITY PROTECTION:

SB8002/HB8001 Tennessee COVID-19 Recovery Act.

Sponsors

Sen. Johnson, Jack; Rep. Lamberth, William

Summary

Enacts "Tennessee COVID-19 Recovery Act." Specifies there is no claim against any person for loss, damage, injury, or death arising from COVID-19, unless the claimant proves by clear and convincing evidence that the person caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct. Specifies requirements for filing of claim, including requiring claimant to file a certificate of good faith regarding claimant consulting with a physician who is competent to express an opinion on exposure to or contraction of COVID-19. Clarifies that the failure of a claimant to satisfy the requirements shall, upon motion, make the action subject to dismissal with prejudice.

TELEHEALTH/TELEMEDICINE:

SB8003/HB8002 Revisions to telehealth requirements.

Sponsors

Sen. Johnson, Jack; Rep. Lamberth, William

Summary

Makes various changes to the law concerning the electronic delivery of health care and its coverage under certain insurance policies and TennCare, including:

- 1 - Mandates a health insurance company to reimburse an originating site fee at a rate established by CMS prior to the effective date of the legislation.
- 2 – Mandates a health insurance company to provide coverage for telemedicine services.
- 3 – Requires an in-person encounter between a healthcare service provider, provider’s practice group, or the healthcare system and the patient within 16 months of the telemedicine visit.
- 4 – Gives health insurance companies the ability to consider remote patient monitoring services as a covered medical service, if covered by Medicare.
- 5 – Beginning with all insurance policies or contracts issued, entered into, renewed or amended, on or after the effective date of this act, mandates a health insurance company to provide payment parity for telehealth and telemedicine visits. Payment parity is repealed on April 1, 2022.

PROTEST BILLS:

SB8001/HB8006 Preventing law enforcement or fire and rescue from entering an area within a governmental entity.

Sponsors Sen. Hensley, Joey; Rep. Ogles, Brandon
 Summary Prohibits a governmental entity from intentionally preventing or prohibiting law enforcement or fire and rescue services from accessing a specifically bounded area within the governmental entity's jurisdiction during a public demonstration. Declares a governmental entity may be held liable for injury proximately caused by the governmental entity intentionally preventing or prohibiting law enforcement or fire and rescue services from accessing a specifically bounded area during a public demonstration.

SB8005/HB8005 Revises certain criminal laws impacting peaceful demonstrations.

Sponsors Sen. Johnson, Jack; Rep. Lamberth, William
 Summary Revises certain criminal laws impacting peaceful demonstrations. Authorizes the attorney general to investigate and prosecute crimes when the victim is a state employee, state property was damaged, or the administration of state government was delayed as a result of the crime.
 Changes the definition of value as it pertains to certain vandalism offenses. Expands the definition of damage as it relates to vandalism, and revises the punishment for vandalism in certain instances. Creates the offenses of assault against a first responder and aggravated assault against a first responder. Adds state property to places in which a person can commit aggravated criminal trespass. Expands the offense of aggravated criminal trespass. Creates a Class E felony offense of aggravated criminal trespass. Requires any sentence imposed for rioting include a mandatory minimum 30 day sentence. Requires any sentence imposed for aggravated rioting include a mandatory minimum 45 day sentence. Enhances the penalty for the offense of disrupting a meeting or procession and certain

obstructing highway or other passageway offenses. Creates a Class E felony offense of obstruction in outlined circumstances. Enhances the penalty for knowingly damaging or defacing real or personal property of the state, or a subdivision thereof, by painting or other permanent application of graffiti. Enhances the penalty for engaging in camping on property of the state knowing that the area is not specifically designated for use as a camping area to a Class E felony offense with a mandatory 30 day sentence. Expands the offense of pointing a laser pointer at a law enforcement officer or emergency personnel. Authorizes the Tennessee Bureau of Investigation (TBI), in consultation with the appropriate department or agency, to conduct an investigation into a violation of a criminal offense meeting the outlined criteria. Requires the District Attorneys General Conference (DAGC) to file a report with the Speakers and Chairs of the Judiciary Committees of the House of Representatives and the Senate containing the outlined criteria on or before January 1, 2022.

LEGISLATION WHICH FAILED IN COMMITTEE:

SB8006/HB8007 Creates a rebuttable presumption in a civil action arising from exposure to COVID-19.

Sponsors Sen. Yarbro, Jeff; Rep. Beck, Bill

Summary Creates a rebuttable presumption in a civil action arising from exposure to or contraction of COVID-19 that a defendant acted with gross negligence in certain circumstances.

Senate Status 08/11/20 - Failed in Senate Judiciary Committee.

SB8007/HB8008 Contraction of COVID-19 under Workers' Compensation Law.

Sponsors Sen. Yarbro, Jeff; Rep. Beck, Bill

Summary Clarifies the manner in which the contraction of COVID-19 is to be treated under the Workers' Compensation Law. Created a rebuttable presumption that if 10% of the workforce contracted COVID-19, the employee contracted COVID-19 at their place of employment.

Senate Status 08/11/20 - Failed in Senate Commerce & Labor Committee.

SB8008/HB8009 Right to assemble on government property.

Sponsors Sen. Gilmore, Brenda; Rep. Dixie, Vincent

Summary Prohibits the state or a local government from infringing upon the constitutional rights of a person to peacefully assemble or demonstrate upon state or local government property.

Senate Status 08/11/20 - Failed in Senate Judiciary Committee.