

HOUSE BILL 173

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 9;  
Title 39, Chapter 17; Title 40; Title 53, Chapter 11;  
Title 54 and Title 67, relative to the preemption of  
certain criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-401, is amended by  
designating the existing language as subsection (a) and adding the following new subsection

(b):

(b) Except as otherwise expressly permitted by state law, the state preempts the entire field of determining the appropriate sanction for conduct involving a drug or other substance that is classified by this part or title 53, chapter 11, as a Class A or B misdemeanor or a Class A, B, C, D, or E felony. No county, city, town, municipality, or metropolitan form of government has the authority by ordinance, resolution, regulation, or other local law to enact or adopt a sanction for conduct involving a drug or other substance if the sanction for that conduct is established by this part or title 53, chapter 11, as a criminal offense other than a Class C misdemeanor. Any ordinance, resolution, regulation, or other local law enacted or adopted prior to the effective date of this act regulating drugs and other substances that is inconsistent with this part and title 53, chapter 11, is superseded and repealed. Any policy, guideline, or practice of any agency, department, or employee of a county, city, town, municipality, or metropolitan form of government that regulates or permits the enforcement of conduct covered by this subsection (b) in a manner inconsistent with state law is void.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring  
it.