



State of Tennessee

PUBLIC CHAPTER NO. 999

HOUSE BILL NO. 2808

By Representatives Hulse, Whitson, Warner, Davis, Sherrell, Haston, Helton-Haynes, Burkhardt, Hardaway

Substituted for: Senate Bill No. 1771

By Senators Lundberg, Yager, Stevens, Campbell, Jackson

AN ACT to amend Tennessee Code Annotated, Title 5; Title 41 and Title 68, relative to inmates infected with bloodborne pathogens.

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

SECTION 1. Tennessee Code Annotated, Section 41-4-115, is amended by adding the following new subsections:

(i) Notwithstanding this section to the contrary, whenever an inmate is committed to a county jail or workhouse and the inmate is known or determined to be HIV positive, the sheriff or the sheriff's designee shall investigate and determine whether the inmate previously received prescription medication to treat the condition through a state department, agency, or program, including TennCare. Upon finding evidence that the inmate previously received such medication, or payments for the medication, from the state or through a state program, excluding the Ryan White HIV/AIDS program administered by the department of health, the sheriff or sheriff's designee shall notify the department of correction and file a claim for state funds, including reimbursement if applicable, for the payment of HIV medication for these inmates. The state department, agency, or program, including TennCare, but excluding the Ryan White HIV/AIDS program, that previously administered the treatment for the condition is liable for and shall pay the expenses for HIV medication for inmates who previously received prescription medication to treat the condition through the state department, agency, or program, including TennCare. The state may use federal funding to pay the medication expenses.

(j) Notwithstanding this section to the contrary, when an inmate is committed to a county jail or workhouse and the inmate is known or determined to be HIV positive and the inmate was participating in the Ryan White HIV/AIDS program immediately prior to incarceration, the sheriff or sheriff's designee may transport the inmate to the location of the healthcare provider that was treating the patient immediately prior to incarceration for HIV treatment under the Ryan White HIV/AIDS program. Such healthcare provider shall continue HIV treatment for the inmate for the duration of the inmate's incarceration in a county jail or workhouse. The healthcare provider may treat the inmate via telemedicine upon request.

(k) The following programs and plans shall not be liable for or required to pay expenses for HIV medication for an inmate unless the inmate is a currently enrolled member of such program or plan:

(1) TennCare program, established under title 71, chapter 5; or

(2) CoverKids program, established under title 71, chapter 3, part 11.

(l) Subsection (i) does not apply to a state-sponsored health insurance plan issued under title 8, chapter 27, part 2, 3, or 7. Such state-sponsored health insurance plans must provide prescription medication coverage to an enrolled member according to the terms of the applicable health plan.

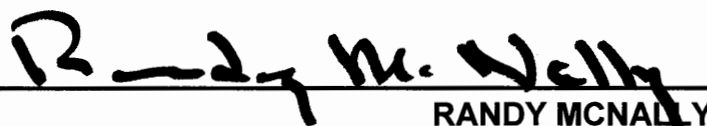
SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

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PASSED: April 24, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2024



BILL LEE, GOVERNOR