



Tennessee Veteran Legislative Request for 2022



Jan 24, 2022

1. Recommended Tennessee Legislation: COVID-Death Indemnity Compensation (DIC) ACT

Issue: Legislation is needed to require coroners, medical examiners or physicians, who fill out death certificates for veterans, to review VA disability status to determine relationship between veteran's death and service-connected disability. This is not being done, in all cases, and errors are being made. When a veteran passes away, the surviving eligible family may be entitled to Survivor Benefit Payments (SBP), a small stipend for the beneficiary. If the death is service-connected due to an injury or illness sustained while in the military, the surviving eligible family may also receive DIC. If a veteran passes from COVID-19, or a future pandemic or disease, and service-connected disability was a principal or contributory cause of death, but not included on the death certificate, the veteran's surviving eligible family will not receive any DIC.

Suggested Legislative Solution: Amend section(s) of Tennessee Code Annotated (TCA) 68-3-502 Death Registration to reflect the following:

The medical examiner or attending physician reviewing the death of a military veteran will conduct a medical review and provide an opinion to determine if a service-connected disability was the principal or major contributory cause of death in cases where Covid or another identified pandemic or disease was identified or occurring at the time of death.

This TCA change would reflect similar efforts that are underway at the federal level with S.89 - Ensuring Survivor Benefits during COVID-19 Act of 2021, which has Senate approval.

2. Recommended Tennessee Legislation: Restore the number of free license plates for disabled veterans to two

Issue: Prior to 2015 Tennessee disabled veterans, who met state law qualifications, could receive two free license plates. Given the economic recovery of the state, it is requested that the state restore the free second plate.

Suggested Legislative Solution: Amend section(s) of TCA 55-4-256 Disabled Veterans and TCA and 55-4-257(e) to reflect the following:

Replace all sections that reference "One (1) disabled veteran memorial license plate" or a reference to a single plate be replaced with language that authorizes "Two (2) disabled veteran memorial license plates" or language to that effect.

Those veterans, who by TCA definition, entitled to a Purple Heart Plate only, would still abide by the state laws currently in TCA and receive only one free plate as define in TCA 55-4-257.

3. Recommended Tennessee Legislation: Legalize the use and prescription of Medical Cannabis.

Issue: Approximately 36 states have legalized the use of medical cannabis, including almost all states that have boundaries that touch Tennessee. Whereas the federal government has not officially sanctioned such action, this has not stopped the Tennessee legislature from passing legislation that may run counter to federal law or guidelines when it was believed to be in the best interest of its citizens.

Tennessee had passed law previously that recognized the possible medical and health uses of cannabis derivatives with the passage of SB2531/HB2461 in 2014. In 2015, 2016 and 2021 the Tennessee legislature further opened the access to medical cannabis derivatives with laws allowing the limited usage of CBD oils under medical oversight and/or restricted strengths or the prescription was from another state. SB0118/HB0490 which became law in 2021 further recognized the medical usefulness of cannabis by actually defining the issues or diseases it can be used for such as: Alzheimer's disease; Amyotrophic lateral sclerosis (ALS); Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting, or pain; Inflammatory bowel disease, including Crohn's disease and ulcerative colitis; Epilepsy or seizures; Multiple sclerosis; Parkinson's disease; Human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) and Sickle cell disease.

While there are claims that cannabis has no medical value, there are FDA approved medications derived from its active ingredients including: Epidiolex, a purified form of CBD, used to treat several types of seizures associated with Lennox-Gastaut syndrome or Dravet syndrome; Epidiolex for treatment of seizures associated with tuberous sclerosis complex; Marinol and Syndros for treatment of anorexia associated with weight loss in AIDS patients and chemo-related nausea/vomiting; Marinol, Syndros and Cesamet which use a synthetic form of THC.

Suggested Legislative Solution: Revise and then proceed with actions identified and listed in TCA 68-7-102 Medical Cannabis Commission by the following action:

Remove in section 68-7-102(a) “upon the rescheduling or descheduling of marijuana from Schedule I of the federal Controlled Substances Act (21 U.S.C. § 801, et seq.).” Remove 68-7-102(b) in its entirety.

4. Recommended Tennessee Legislation: Electronic Voting for Overseas assigned Active Duty and civilians.

Issue: The Federal Voting Assistance Program (FVAP) collected post-election data in 2020 on individuals covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the networks that supports them. 47% of active-duty military and 8% of U.S. citizens abroad voted in 2020, this compares to 46% and 8% in 2016. 47% of states allow email or Fax of completed ballots; 13% allow Fax only; 40% of states allow mail only of which Tennessee is one. **West Virginia, which pioneered the use of an electronic/mobile voting app, has not experienced any issues with security of the ballots with the system it uses. However, it is noted that the Federal Elections Assistance Commission, at this time, has not certified any mobile voting app systems and security risks are a major concern. However, Homeland Security has also noted there are security risks (although lower) with ballots being emailed and all states are required to offer that option.**

Suggested Legislative Solution: Amend sections of TCA 2-6-5xx and other sections as required in TCA 2-6-xxx to allow the research, identification, and implementation of an electronic/internet system and test that would allow for the submission of a ballot by a means other than or in addition to mail. The test would be limited to those military members, families of those military families and civilians who are stationed overseas (outside the CONUS) and registered to vote only in Montgomery County TN (home of the 101st Airborne and Special Forces Units).

The goal would be to have to an electronic voting application/system chosen and operational for the test, which addresses security concerns to the greatest extent possible, assist the Montgomery County Election Commission in its setup and operation, select security consultants that would monitor and test the system before, during and after the election inputs by March 1st 2024. Selection of this implementation date would allow provide real world experience with primary and general elections scheduled for the spring and summer of 2024 and the November elections. If during any election security issues arise with ballot submission under such a process, the electronic voting process would be halted until the issue is resolved. The test period would end Dec 31, 2026 or sooner based on analysis of electronic voting test success. A final decision to expand such voting, require additional testing or eliminate such electronic voting process would rest with the 2027 (or sooner) legislative session.

While Homeland Security has concerns of high risk with such electronic systems, that risk is based partially on the potential ability to impact high numbers of ballots (<https://epic.org/wp-content/uploads/privacy/voting/Risk-Management-Electronic-Ballot-May2020.pdf>). However, steps have been identified to lower security concerns such as: 1) limit the population that would use the system; 2) all electronic election voting systems and technology should be completely separated from the regular election systems operations; 3) ballots received electronically should be printed as a paper record; 4) Election officials should implement processes to separate the ballot from the voter’s information in a manner that maintains the secrecy of the ballot and 5) The auditability of the results should not rely solely on the data stored digitally within the system. These steps associated with electronic voting and other security protocols directed at email, fax and web portals can help minimize issues. Continued security development measures such as permissioned “Blockchain”, which is seeing more use in financial and governmental operations, may be or is being looked at within such voting systems.

A test as proposed with just the population mentioned in Montgomery County TN and security measure identified by Federal authorities would be possible.

