



State of Tennessee

PUBLIC CHAPTER NO. 403

SENATE BILL NO. 1400

By Roberts, Bowling

Substituted for: House Bill No. 1204

By Kumar, Davis

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 55, relative to driving under the influence of an intoxicant.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-407, is amended by deleting subdivision (a)(1) and substituting:

(1)(A) Except as provided in subdivision (a)(1)(B), one (1) year, if the person does not have a prior conviction as defined in subsection (e);

(B) One (1) year and six (6) months, if the person:

(i) Does not have a prior conviction as defined in subsection (e);

(ii) Is suspected of having committed a misdemeanor violation of § 55-10-401; and

(iii) Violated § 55-10-406 by refusing to submit to a law enforcement officer's request for a blood test.

SECTION 2. Tennessee Code Annotated, Section 55-10-406(d)(4), is amended by deleting the first sentence of the subdivision and substituting:

If the operator is placed under arrest, requested by a law enforcement officer to submit to breath tests, blood tests, or both tests, advised of the consequences for refusing to do so, and refuses to submit, the operator shall be charged with violating subdivision (d)(1). The operator's refusal is a violation of subdivision (d)(1), even if the operator's blood sample is obtained pursuant to a search warrant, court order, exigent circumstances, or other lawful means.

SECTION 3. Tennessee Code Annotated, Section 55-10-406(b), is amended by adding the following as a new subdivision:

(3) Oral fluid tests may be administered under the following circumstances:

(A) The operator's consent to submit to oral fluid tests;

(B) A search warrant;

(C) Incident to a lawful arrest for any of the offenses set out in subsection (a);
or

(D) Without the consent of the operator if exigent circumstances to the search warrant requirement exist.

SECTION 4. Tennessee Code Annotated, Section 55-10-406, is amended by designating subsection (j) as subdivision (j)(1) and adding the following new subdivision (j)(2):

(2) The result of an oral fluid test conducted in accordance with this section is admissible in evidence at the trial of any person charged with an offense specified in subsection (a).

SECTION 5. Tennessee Code Annotated, Section 39-13-106(c), is amended by deleting "three (3) years" and substituting "six (6) years", and by deleting "five (5) years" and substituting "eight (8) years".

SECTION 6. Sections 2, 3, and 4 of this act take effect upon becoming a law, the public welfare requiring it. Sections 1 and 5 of this act take effect January 1, 2026, the public welfare requiring it.

SENATE BILL NO. 1400

PASSED: April 16, 2025



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2025



BILL LEE, GOVERNOR