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States' Right-To-Farm Statutes

State of Tennessee

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States' Right-to-Farm Statutes

STATE OF TENNESSEE

Tenn. Code Ann. §§ 43-26-101 to 43-26-104

Current through end of the 2016 Second Regular Session of the 109th Tennessee General Assembly.

§ 43-26-101. Short title

This chapter shall be known and may be cited as the “Tennessee Right to Farm Act.”

§ 43-26-102. Definitions

As used in this chapter, unless the context otherwise requires:

- (1) “Farm” means the land, buildings, and machinery used in the commercial production of farm products and nursery stock as defined in § 70-8-303;
- (2) “Farm operation” means a condition or activity that occurs on a farm in connection with the commercial production of farm products or nursery stock as defined in § 70-8-303, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; the employment and use of labor; marketing of farm products in conjunction with the production of farm products thereof; and any other form of agriculture as defined in § 43-1-113;
- (3) “Farm product” means those plants and animals useful to man and includes, but is not limited to, forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; industrial hemp; trees; fish; apiaries; equine and other similar products; or any other product that incorporates the use of food, feed, fiber or fur; and
- (4) “Industrial hemp” means the plants and plant parts of the genera cannabis that do not contain a delta-9 tetrahydrocannabinol (THC) concentration more than three tenths of one percent (0.3%) on a dry mass basis and that are either grown from seed certified by a certifying agency, as defined in § 43-10-103, or grown by an institution of higher education in this state that offers a baccalaureate or post-graduate level program of study in agricultural sciences.

§ 43-26-103. Nuisance

(a) It is a rebuttable presumption that a farm or farm operation is not a public or private nuisance. The presumption created by this subsection (a) may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either:

(1) The farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or

(2) The farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or rule, including without limitation statutes and rules administered by the department of agriculture or the department of environment and conservation.

(b) The department of agriculture shall promulgate rules concerning industrial hemp production and processing, including rules establishing reasonable fees for licenses or permits to defray the cost of implementing and administering the industrial hemp program in this state on an ongoing basis. All revenue collected from fees established pursuant to this subsection (b) shall be used exclusively for the administration of the industrial hemp program and regulation of industrial hemp.

(c) Any person who cultivates an industrial hemp crop of any size, or who processes industrial hemp, in this state shall obtain an annual license from the department of agriculture. In order to obtain an industrial hemp license, the grower or processor shall agree that the department has the right to inspect the industrial hemp crop or inventory for compliance. If any grower or processor fails to obtain a license required by this section, any industrial hemp within the person's possession or control shall be considered marijuana under § 39-17-415.

(d) Deleted by 2016 Pub.Acts, c. 728, § 1, eff. April 7, 2016.

§ 43-26-104. Applicability of chapter

This chapter does not affect any rights or duties that exist or mature under title 44, chapter 18. This chapter shall be broadly construed to effectuate its purposes.