



HB 13 - SB 187

April 4, 2021

SUMMARY OF ORIGINAL BILL: Prohibits a law enforcement agency or governmental entity of this state or a local government, or the Governor or chief executive of a local government by executive order, from forcing, requiring, or coercing a person to receive an immunization or vaccination for COVID-19 against the person's will.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006542): Deletes all language after the enacting clause. Prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution, that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

Authorizes parents or guardians of children to object to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus required for attendance at any school, nursery school, kindergarten, preschool or child care facility of this state, on the basis of religious tenets during an epidemic or immediate threat of an epidemic.

Deletes the Class C misdemeanor for persons refusing to be vaccinated or preventing a person under such person's care and control from being vaccinated.

Prohibits state agencies and political subdivisions of this state from promulgating, adopting, or enforcing any rule, ordinance, or resolution that requires medical examination, immunization, or treatment for those who object to the medical examination, immunization, or treatment on religious grounds or by right of conscience. Exempts public institutions of higher education and government entities from the prohibition if the entity already subjected to federal or state statute, or rule that prohibits the entity from requiring medical treatment for those who object to the medical treatment on religious grounds or right of conscience.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The U.S. Supreme Court issued a ruling in February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).
- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- The proposed legislation will not significantly impact any programs or policies of state or local governments; therefore, any fiscal impact is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts, there have been no dispositions for Tenn. Code Ann. § 68-5-106; therefore, any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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