

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 320 – HB 794

March 17, 2021

SUMMARY OF BILL: Adds a protected class under the *Tennessee Human Rights Act* based on a person wearing a medical device or whether the person has received medical treatment. Prohibits a political subdivision, including but not limited to governmental entities, public schools, housing authorities, and county boards of health, from enforcing an ordinance or resolution of which compliance would violate the protected classes.

Defines “medical device” as an instrument, including a mask or face covering, intended for the purpose of: diagnosis or prevention of disease; diagnosis or treatment of an injury; modification or support of a physiological process; support of life; control of conception; disinfection of a medical device; or providing information by means of in vitro examination of specimens derived from the human body.

Defines “medical treatment” as a procedure or medication, including immunizations, with the purpose of treating or preventing a sickness or communicable disease.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$47,400/FY21-22 and Subsequent Years
/Tennessee Human Rights Commission**

Assumptions:

- The addition of a protected class under the *Human Rights Act* is estimated to significantly increase the number of phone calls, online complaint submittals, and case processing on behalf of the Tennessee Human Rights Commission (THRC).
- The THRC will require an additional Intake Specialist, or Administrative Services Assistant 3, for the volume of contact estimated to generate from the proposed legislation.
- A recurring increase in state expenditures to the THRC, beginning in FY21-22 and subsequent years, of \$47,424 (\$34,884 salary + \$12,540 benefits).
- Pursuant to Tenn. Code Ann. § 4-21-101, the purpose of the Tennessee Human Rights Act is to prohibit discrimination in employment, public accommodations, and housing.
- State, local, or private entities of any kind will not be authorized to discriminate based on wearing a medical device or receiving medical treatment per the aforementioned definition.

- Currently, an employee is required to seek a medical examination, immunization, or treatment, if such examination, immunization, or treatment is necessary for the protection of the health or safety or others.
- The proposed legislation would prohibit an immunization as a requirement for employment.
- There is not estimated to be a significant increase in caseloads; therefore, any impact to the state or local court system is estimated to be not significant.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumptions:

- Private employers are assumed to adhere to the provisions of the proposed legislation.
- No significant impact to jobs or commerce in Tennessee.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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