

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9042 – SB 9017**

October 27, 2021

**SUMMARY OF BILL:** Prohibits a person, state entity, or political subdivision from requiring or mandating, as a condition of employment for an essential worker, the following:

- Wearing a mask;
- Obtaining medical treatment for COVID-19;
- Providing proof of vaccination for COVID-19; or
- Obtaining or taking other prophylactic measures against COVID-19.

Creates a private right of action for a person who suffers a violation of the above prohibition.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – This legislation could result in jeopardizing federal funding from the federal Occupational Safety and Health Administration Compliance Grant.**

Assumption:

- On August 24, 2021, the Commissioner of the DLWD filed emergency temporary standard rule 0800-01-12 for TOSHA to address safety hazards brought by COVID-19 within the healthcare industry and related support services (essential workers), and furthermore, to comply with changes in the federal OSHA rules.
- This emergency rule is currently effective through February 20, 2022.
- Despite this sunset date for this emergency rule, the permanent rule will still need to be substantially similar to the federal rule.
- Among other requirements, the current federal OSHA rules require masks be worn by certain workers within the healthcare industry.
- This legislation would remove the ability of a hospital, for example, to require its employees to wear masks.
- Based on information provided by the Department of Labor, this legislation would put the state in potential jeopardy of losing approximately \$4,000,000 from an OSHA Compliance Grant.
- The courts will not experience a significant increase in caseloads; therefore, any impact to the court system is estimated to be not significant.

**CERTIFICATION:**

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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