

HOUSE BILL 391

By Leatherwood

AN ACT to amend Tennessee Code Annotated, Title 5 and Title 68, Chapter 2, Part 6, relative to public health emergencies.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 2, Part 6, is amended by adding the following as a new section:

(a) If a county or city experiences a health emergency, including, without limitation, a state-wide declaration of the existence of a health epidemic or pandemic, a county-wide or city-wide epidemic, or the imminent threat of an epidemic or pandemic, resulting in the need for health policies that affect the entire county or city, the county mayor has the exclusive authority in the unincorporated areas of the county, and the highest-ranking elected official of the city has the exclusive authority in the official's jurisdiction, to establish and implement such policies under advisement from the county health director or county health officer, or both, as necessary. In a county with a county board of health or a health committee, or both, such bodies also become advisory to the county mayor and the highest-ranking officials of each city in the county.

(b) Subsection (a) applies to counties:

(1) With a population of not less than nine hundred thousand (900,000), according to the 2010 or any subsequent federal census;

(2) With a metropolitan form of government and a population of not less than five hundred thousand (500,000), according to the 2010 or any subsequent federal census;

(3) With a population of not less than four hundred thirty-two thousand two hundred (432,200) and not more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 or any subsequent federal census;

(4) With a population of not less than three hundred thirty-six thousand four hundred (336,400) and not more than three hundred thirty-six thousand five hundred (336,500), according to the 2010 or any subsequent federal census;

(5) With a population of not less than one hundred fifty-six thousand eight hundred (156,800) and not more than one hundred fifty-six thousand nine hundred (156,900), according to the 2010 or any subsequent federal census; and

(6) With a population of not less than ninety-eight thousand two hundred (98,200) and not more than ninety-eight thousand three hundred (98,300), according to the 2010 or any subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 68-2-601(f)(3), is amended by deleting the language "Adopt rules" and substituting instead the language "Except as provided by Section 1, adopt rules", and is further amended by adding the following language after the first sentence:

Rules, regulations, and orders adopted by a board of health must not conflict with or supersede health policies adopted pursuant to Section 1.

SECTION 3. Tennessee Code Annotated, Section 68-2-608(b), is amended by deleting the language "Whenever" and substituting instead the language "Except as provided by Section 1 and § 68-2-601(f)(3), whenever".

SECTION 4. Tennessee Code Annotated, Section 68-2-609, is amended by deleting the language "The county health officer" and substituting instead the language "Except as provided by Section 1 and § 68-2-601(f)(3), the county health officer".

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.