



# State of Tennessee

## PUBLIC CHAPTER NO. 939

SENATE BILL NO. 2049

By Crowe

Substituted for: House Bill No. 2213

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Section 10-7-504, relative to public records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision (30):

(A) Proprietary information, trade secrets, and marketing information submitted to any food-based business incubation service provider created by a municipality shall be treated as confidential and shall not be open for inspection by members of the public.

(B) As used in this subdivision (a)(30):

(i) "Proprietary information":

(a) Means commercial or financial information that is used either directly or indirectly in the business of any person or company submitting information to a food-based business incubation service provider, and that gives such person or company an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information; and

(b) Does not include lease agreements with the incubation service provider, the identity of businesses or persons using the incubation service provider's services, amounts paid to the incubation service provider by businesses or persons for use of facilities or for other services, or financial records of the incubation service provider;

(ii) "Trade secret" means a manufacturing process, materials used therein, and costs associated with the manufacturing process of any person or company submitting information to a food-based business incubation service provider; and

(iii) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2049

PASSED: April 19, 2018

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 15<sup>th</sup> day of May 2018

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR