



State of Tennessee

PUBLIC CHAPTER NO. 1002

HOUSE BILL NO. 2454

By Representatives Weaver, Doggett, Littleton, Lynn, Zachary, Moody, Crawford, Powers, Lafferty, Cepicky, Lamberth, Hulsey, Rudder, Haston, Carringer, Warner, Howell, Rudd, Griffey, Sherrell, Byrd, Reedy, Carr, Ragan, Helton, Alexander, White

Substituted for: Senate Bill No. 2292

By Senators Bell, Bailey, Bowling, Rose

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17 and Title 49, Chapter 1, relative to children.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-902, is amended by redesignating subsection (e) as subdivision (e)(1) and adding the following new subdivision (e)(2):

(2) The educational justification exception established in subdivision (e)(1) does not apply if the obscene material is possessed by a person with the intent to send, sell, distribute, exhibit, or display the material to a minor.

SECTION 2. Tennessee Code Annotated, Section 49-1-221(a)(1), is amended by deleting subdivision (C) and substituting:

(C) Select technology for the LEA's computers having internet access that will:

(i) Filter, block, or otherwise prevent access to pornography or obscenity through online resources; and

(ii) Prohibit and prevent a user from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined in § 39-17-901;

SECTION 3. Tennessee Code Annotated, Section 49-1-221, is amended by adding the following as a new subsection:

(c)

(1) A provider of digital or online resources, with which an LEA or a state agency contracts for the provision of digital or online materials created and marketed for kindergarten through grade twelve (K-12) school use, shall:

(A) Verify that the digital or online materials do not violate § 39-17-902;

(B) Filter, block, or otherwise prevent access to pornography or obscenity through one's use of the digital or online materials;

(C) Verify, in writing, that the provider's technology prevents a user from sending, receiving, viewing, or downloading materials that are harmful to minors, as defined in § 39-17-901; and

(D) Remove, upon the contracting LEA's or state agency's request, access to digital or online materials for ages or audiences for which the contracting LEA or state agency has determined the material to be age- or audience-inappropriate. A provider must remove access to digital or online materials described in this subdivision (c)(1)(D) within one (1) business day of the provider's receipt of the contracting LEA's or state

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agency's request, unless the deadline for removal is extended by mutual consent of the contracting parties.

(2) An LEA or a state agency that contracts for the provision of digital or online materials created and marketed for kindergarten through grade twelve (K-12) school use shall adopt and implement a policy that:

(A) Allows a person to file a complaint with the respective LEA or state agency concerning an alleged violation of subdivision (c)(1); and

(B) Requires the LEA or state agency to review a complaint as described in subdivision (c)(2)(A) to determine if action is necessary.

(3) This subsection (c) does not apply to medical resources or archival collections.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

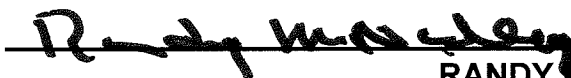
SECTION 5. Section 1 of this act takes effect on July 1, 2022, the public welfare requiring it, and applies to offenses occurring on or after that date. All other sections of this act take effect July 1, 2022, the public welfare requiring it, and apply to contracts entered into or renewed on or after that date.

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PASSED: April 21, 2022



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 5th day of May 2022



BILL LEE, GOVERNOR