

HOUSE BILL 9003

By Hulsey

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 29; Title 50 and Title
68, relative to COVID-19.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) Notwithstanding § 50-3-106(10), a public employer shall not require an employee to receive a vaccine as a condition of employment.

(b) If a private employer requires an employee to receive a vaccine as a condition of employment:

(1) The private employer must:

(A) Give the employee the opportunity to express agreement or disagreement with receiving the vaccine and document the employee's response;

(B) Document whether an adverse action was taken against an employee who refused to receive the vaccine; and

(C) Document each report, if any, from an employee asserting that the employee suffered a severe adverse reaction or developed a severe health condition as a result of receiving the vaccine; and

(2) The private employer is strictly liable for damages as a result of a severe adverse reaction or the development of a severe health condition as a result of receiving the vaccine.

(c) This section does not prohibit a private employer from terminating the employment of an employee who refuses to receive a vaccine required by the private employer.

(d) If a private employer and employee enter into, renew, or modify an employment contract on or after the effective date of this act that contains a noncompete, nonsolicitation, nondisparagement, or confidentiality clause, and the employer requires the employee to receive a vaccine as a condition of employment on or after the effective date of this act, such clause in the employment contract is void and unenforceable upon notice to the employee of the requirement to receive the vaccine.

(e) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including a mutation of SARS-CoV-2 or COVID-19;

(2) "Private employer" means an individual or legal entity, other than a public employer, that employs one (1) or more employees and that is not required to carry workers' compensation under the Workers' Compensation Law, compiled in chapter 6 of this title;

(3) "Public employer" means this state, a local government, or a political subdivision of this state;

(4) "Severe adverse reaction" and "severe health condition" mean a reaction or condition that is serious and enduring, and that could result in serious bodily injury or death; and

(5) "Vaccine" means a substance used to stimulate the production of antibodies and provide immunity against COVID-19, prepared from the causative agent of a disease, its products, or a synthetic substitute, treated to act as an

antigen without inducing the disease, that is authorized or approved by the United States food and drug administration.

SECTION 2. Tennessee Code Annotated, Section 29-34-802(b), is amended by deleting "Notwithstanding any law to the contrary" and substituting "Notwithstanding a law to the contrary, except as provided in SECTION 1,".

SECTION 3. Tennessee Code Annotated, Section 29-34-802(d), is amended by adding the following new subdivision:

(5) Immunize a private employer from liability under SECTION 1.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.