

HOUSE BILL 9044

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 8; Title 10; Title 11; Title 12; Title 41; Title 49; Title 50; Title 58 and Title 68, relative to uniform standards for persons subject to COVID-19 face covering requirements.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Agency" means a state board, commission, committee, department, officer, or any other unit of state government;

(2) "Medical device" means a face covering, mask, or other protective material or covering designed to be worn over the nose and mouth to reduce the spread of saliva or other fluids when speaking, coughing, sneezing, or during other intentional or involuntary actions to reduce the spread of COVID-19;

(3) "Political subdivision" means a local governmental entity, including, but not limited to, a municipality, metropolitan government, county, utility district, school district, public building authority, or development district created and existing pursuant to the laws of this state, or any instrumentality of government created by any one (1) or more of the named local governmental entities; and

(4) "State-funded organization" means a partnership, corporation, trust or limited liability company, whether organized on a for-profit or not-for-profit basis that received funding from this state, whether through grant or appropriation, in

the immediately preceding calendar year in an aggregate amount exceeding one thousand dollars (\$1,000).

(b) Notwithstanding § 58-2-107 or any other law to the contrary, the governor, an agency, a political subdivision, or a state-funded organization shall not mandate or coerce through implication or suggestion of employment to an applicant; through advancement or compensation loss to an employee; or otherwise mandate or require a person or employee to wear or use a medical device that has not been prescribed for the person or employee by a licensed physician or other healthcare provider.

(c) This section does not apply:

(1) To safety devices, equipment, or specialized clothing required in:

(A) An occupational or employment setting to prevent or reduce the risk of job-related injuries;

(B) An occupational or employment setting to prevent or reduce risks inherent in, or associated with, healthcare institutions or during the delivery or performance of medical services or procedures; or

(C) Institutions providing care for the aged, mentally incompetent, or immunocompromised during the delivery of services or during the performance of required medical or other necessary procedures;

(2) In penal institutions; or

(3) To members of the Tennessee army national guard or Tennessee air national guard operating pursuant to legal orders of the member's chain of command requiring the member to wear or use a medical device.

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