

SENATE BILL 320

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 58 and Title 68, relative to discrimination.

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

SECTION 1. Tennessee Code Annotated, Section 4-21-501, is amended by deleting the section and substituting the following:

(a) Except as otherwise provided in this chapter, it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement on the grounds of race, creed, color, religion, sex, age, national origin, the wearing or use of a medical device, or whether an individual has received medical treatment.

(b) Notwithstanding § 68-2-609 or any other law to the contrary, a political subdivision of this state shall not enact or enforce a resolution, ordinance, regulation, policy, order, or other requirement the compliance of which by a person would constitute a violation of subsection (a).

(c) A person complying with subsection (a) is not subject to a private cause of action resulting from that compliance.

(d) As used in this section:

(1) "Medical device" means an instrument; apparatus; implement; machine; appliance; implant; reagent for in vitro use; software; material, including a mask, face shield, or cloth face covering; and other similar or related articles, intended by the manufacturer, or individual using the device, to be used, alone or in combination, for human beings for the following medical purpose:

(A) Diagnosis, prevention, monitoring, treatment, or alleviation of disease;

(B) Diagnosis, monitoring, treatment, alleviation of, or compensation for an injury;

(C) Investigation, replacement, modification, or support of the anatomy or of a physiological process;

(D) Supporting or sustaining life;

(E) Control of conception;

(F) Disinfection of a medical device; or

(G) Providing information by means of in vitro examination of specimens derived from the human body; and does not achieve its primary intended action by pharmacological, immunological, or metabolic means, in or on the human body, but which may be assisted in its intended function by those means;

(2) "Medical treatment" means a procedure or medication, whether pharmaceutical or homeopathic in nature, received by or given to an individual, including an immunization with the intended purpose of treating or preventing a medical condition, sickness, disease, or communicable disease; and

(3) "Political subdivision" means a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to prohibited conduct occurring on or after the effective date of this act.