

SENATE BILL 603

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 9; Title 12; Title 49 and Title 63, relative to limiting the application of DEI training.

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding SECTIONS 2 through 11 as a new part:

SECTION 2.

The purpose of this part is to ensure that state-funded medical providers and educational institutions provide patient care, curricula, and training that serve patients and students equally, regardless of their race or other immutable characteristics, and to protect the practice of medicine and the education and training of medical personnel from the effects of harmful ideologies.

SECTION 3. As used in this part:

(1) "Academic standards" means the grade point average, admissions standardized test score, or other objective metric used to measure a student's achievements for the purposes of admission into, advancement in, or graduation from a medical institution of higher education;

(2) "Curriculum" means the subject matter studied within a healthcare-related academic program, including all materials used, instruction provided, and third-party educational services retained;

(3) "Diversity, Equity, and Inclusion (DEI)":

(A) Means an effort to promote racial diversity in an aspect of a healthcare related academic program; a reference to group differences within a given setting along cultural, ethnic, gender, gender identity, national origin, race, religion, or sexual orientation lines; and promulgating policies, practices, and procedures designed or implemented with reference to those group differences; and

(B) Does not include equal opportunity or equal employment opportunity materials designed to inform individuals about the prohibition on discrimination based on protected status under state and federal law;

(4) "Healthcare provider" means public hospitals and public healthcare providers, including, but not limited to, hospitals, doctors' offices, outpatient clinics, medical testing sites, medical labs, physical or occupational therapy or rehabilitation providers, chiropractors, dentists, optometrists, mental health and clinical social workers, and related providers;

(5) "Healthcare-related academic program" means a healthcare-related area of study designed to prepare students for employment as or with a healthcare provider by conferring a degree or certification, including, but not limited to, nursing, pre-medical school majors, medical doctor degrees, psychiatry, clinical social work, dentistry, dental hygiene, physical or occupational therapy, chiropractic care, medical equipment technicians, and all other related fields;

(6) "Healthcare-related professional licensing board" includes public licensing boards for audiology and speech pathology, chiropractic, dentistry, dietetics and nutrition, medicine, osteopathy, long-term care, mental health and human services, massage therapy, nursing, occupational therapy, optometry, pharmacology, physical therapy, podiatry, professional counseling, psychology, and social work; and

(7) "Medical institution of higher education" means a public institution of higher education offering bachelor's, master's, or doctoral degrees; or a trade school offering healthcare-related degrees, certification programs, or training that receives state funds.

SECTION 4.

(a) A medical institution of higher education shall annually certify to the state board of medical examiners and Tennessee higher education commission by December 31 that the institution does not require:

(1) Applicants to ascribe to DEI ideologies or discriminate against applicants who do not ascribe to DEI ideologies during the application process;
or

(2) Admitted students to study or ascribe to DEI ideologies within the student's medical institution of higher education.

(b) A medical institution of higher education shall publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and training sessions on the institution's website in an online database that is readily searchable by the public.

(c) A medical institution of higher education shall not conduct internal DEI audits or otherwise engage DEI consultants.

SECTION 5.

(a) Medical institutions of higher education shall require a standardized admissions test focused on knowledge and critical thinking around science and medical training, as a requirement for admission.

(b) Before a medical institution of higher education may alter the academic standards for the admission of new students to a healthcare-related course of study or for the conferral of a healthcare-related degree or certificate, the medical institution of

higher education shall submit to the speaker of the senate, the speaker of the house of representatives, and the Tennessee higher education commission:

- (1) A copy of the proposed academic standards;
- (2) A concise general statement explaining the proposed standards; and
- (3) The proposed effective date of the proposed standards.

(c) The proposed standards described in subdivisions (b)(1)-(3) become effective no earlier than sixty (60) days after the medical institution of higher education has complied with subsection (b).

(d) The proposed standards described in subdivisions (b)(1)-(3) do not become effective if, within sixty (60) days of receiving the information required in subdivisions (b)(1)-(3), the general assembly passes, and the governor approves, a joint resolution expressly disapproving the proposed standards. If such a resolution is passed and approved, then the proposed standards are null and void and of no effect.

SECTION 6.

(a) Healthcare-related professional licensing boards shall not adopt or impose, as a condition of obtaining or renewing licenses, any incentives or requirements that applicants for licensures undergo, demonstrate familiarity with, or support any DEI training, education, material, or program.

(b) Organizations that issue state-required, healthcare-related professional licenses and certifications shall not use DEI material or require DEI training as part of the certification process.

(c) Healthcare-related professional licensing boards and organizations that issue healthcare-related professional licenses and certifications shall not conduct internal DEI audits or otherwise engage DEI consultants.

SECTION 7.

All medical providers and medical institutions of higher education shall certify to the state board of medical examiners on an annual basis by December 31 that they do not and will not require their employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed with DEI material with respect to state funds.

SECTION 8.

A state entity applying for a federal healthcare-related grant related to DEI shall:

- (1) Publish on its website all materials, requirements, and instructions related to the federal grant application that are in the entity's possession;
- (2) Submit a copy of the grant proposal to the state board of medical examiners for public posting; and
- (3) Submit a copy of the grant proposal to all members of the health and welfare committee of the senate and the health committee of the house of representatives.

SECTION 9.

(a) An aggrieved person may commence an action against a healthcare provider or medical institution of higher education for a violation of this part.

(b) If an aggrieved person proves that a healthcare provider or medical institution of higher education violated this part, then the person may obtain:

- (1) Declaratory relief;
- (2) Injunctive relief;
- (3) Statutory damages of not less than one hundred thousand dollars (\$100,000) assessed against the healthcare provider or medical institution of higher education found by a court to have violated this part;
- (4) Compensatory damages; and
- (5) Costs and attorney's fees.

(c) Sovereign immunity to suit is waived and abolished to the extent of liability created by this part. A person having a claim under this part may sue a healthcare provider or medical institution of higher education, which would otherwise be entitled to such immunity, for damages allowed under this part.

(d) An aggrieved person must bring suit under this part no later than one (1) year after the alleged violation occurred.

SECTION 10.

(a) A healthcare provider with more than fifty (50) employees or a medical institution of higher education must annually certify to the state board of medical examiners and to the attorney general and reporter, under the penalty of perjury, in a statement by an officer of the provider or institution, that the provider or institution, as applicable, is in compliance with this part.

(b) The attorney general and reporter may investigate allegations of violations of this part.

(c) In addition to relief granted to aggrieved persons under a private right of action, the attorney general and reporter may seek civil penalties of up to one million dollars (\$1,000,000) against a healthcare provider or medical institution of higher education for each violation of this part. The penalty must be deposited in the state general fund.

(d) The attorney general and reporter may file suit for a writ of mandamus compelling public healthcare providers or medical institutions of higher education to comply with this part.

(e) The attorney general and reporter may establish, by rule, procedures for investigating violations of this part.

SECTION 11.

The state board of medical examiners shall publish on its website, on an annual basis and no later than December 31, a list of all healthcare-related contractors, grant recipients, healthcare providers, medical institutions of higher education, and organizations that have provided certification that they are not engaging in promoting, teaching, participating in, or requiring DEI material.

SECTION 12. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following as a new section:

All recipients of state contracts or grants must certify to the chief procurement officer, prior to being awarded a contract or grant, that the recipient does not and will not require its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed with DEI material with respect to state funds. As used in this section, "DEI" has the same meaning as in Section 3 of this act.

SECTION 13.

If a provision of this act or its application to a 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 14. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all contracts executed, renewed, or amended on or after such date.