



State of Tennessee

PUBLIC CHAPTER NO. 1075

HOUSE BILL NO. 2673

By Representatives Jerry Sexton, Griffey, Howell, Moody, Reedy, Powers, Sherrell

Substituted for: Senate Bill No. 2684

By Senators Rose, Bailey, Bowling, White

AN ACT to amend Tennessee Code Annotated, Title 49, relative to anti-Semitism in education.

WHEREAS, antisemitism, including harassment on the basis of actual or perceived Jewish origin, ancestry, ethnicity, identity, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in contemporary American society; and

WHEREAS, the Uniform Crime Reporting program reported that Jews are consistently the most likely of all religious groups to be victimized by incidents of hate; and

WHEREAS, state officials and institutions have a responsibility to protect citizens from acts of hate and bigotry motivated by discriminatory animus, including antisemitism and must be given the tools to do so; and

WHEREAS, valid monitoring, informed analysis and investigation, and effective policy-making all require uniform definitions; and

WHEREAS, while there can be no exhaustive definition of antisemitism, as it can take many forms, the International Holocaust Remembrance Alliance (IHRA) working definition has been an essential definitional tool used to determine contemporary manifestations of antisemitism, and includes useful examples of discriminatory anti-Israel acts that cross the line into antisemitism; and

WHEREAS, the IHRA definition is used by various agencies of the federal government and the thirty-three governments that are members of the International Holocaust Remembrance Alliance; recommended for use by the European Council and the European Parliament; endorsed by the United Nations Secretary General and the Secretary General of the Organization of American States; included in policy guides prepared by the Organization for Security and Cooperation in Europe; and formally adopted by a growing number of European nations, cities, universities, and civil society organizations; and

WHEREAS, use of this definition of antisemitism, although it is not to be taken as an exhaustive definition, will increase the awareness and understanding of the parameters of contemporary anti-Jewish discrimination in certain circumscribed areas; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) If a state governmental entity or an LEA receives a complaint from a person who alleges that antisemitism has occurred on the premises of a public school serving any of the grades kindergarten through twelve (K-12), or through electronic outreach from a public school serving any of the grades kindergarten through twelve (K-12), then the respective state governmental entity or LEA shall take into consideration the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, including the "contemporary examples of antisemitism," in determining whether the alleged act was motivated by antisemitic intent.

(b)

HB2673

(1) This section does not diminish or infringe upon rights protected under Article I, § 3 of the Constitution of Tennessee or the First Amendment to the Constitution of the United States.

(2) This section shall not be construed to conflict with other federal or state discrimination laws.

(3) This section does not alter the evidentiary requirements pursuant to which a state governmental entity or LEA determines that conduct, including harassment, amounts to actionable discrimination.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) If a state governmental entity or an institution of higher education receives a complaint from a person who alleges that antisemitism has occurred on the premises of an institution of higher education, or through electronic outreach from an institution of higher education, then the respective state governmental entity or institution of higher education shall take into consideration the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, including the "contemporary examples of antisemitism," in determining whether the alleged act was motivated by antisemitic intent.

(b)

(1) This section does not diminish or infringe upon rights protected under Article I, § 3 of the Constitution of Tennessee or the First Amendment to the Constitution of the United States.

(2) This section shall not be construed to conflict with other federal or state discrimination laws.

(3) This section does not alter the evidentiary requirements pursuant to which a state governmental entity or an institution of higher education determines that conduct, including harassment, amounts to actionable discrimination.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2673

PASSED: April 27, 2022



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 25th day of May 2022



BILL LEE, GOVERNOR