

SENATE BILL 9004

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8, Part 3; Title 29, Chapter 34; Title 29, Chapter 20; Title 49 and Title 50, Chapter 6, relative to civil liability related to COVID-19.

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

SECTION 1. Tennessee Code Annotated, Section 29-34-802, is amended by deleting subdivision (a)(1) and substituting:

(1) "Arising from COVID-19":

(A) Means caused by or resulting from the actual, alleged, or possible exposure to or contraction of COVID-19, or caused by or resulting from services, treatment, or other actions in response to COVID-19, including:

(i) Implementing policies and procedures to prevent or minimize the spread of COVID-19;

(ii) Testing;

(iii) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19-related information;

(iv) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other healthcare equipment or supplies, such as personal protective equipment;

(v) Closing or partially closing to prevent or minimize the spread of COVID-19;

(vi) Delaying or modifying the schedule or performance of a medical procedure; or

(vii) Providing services or products in response to government appeal or repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public; and

(B) Does not mean caused by or resulting from an immunization, vaccination, or injection for COVID-19;

SECTION 2. Tennessee Code Annotated, Section 50-6-102(14), is amended by designating the existing language as subdivision (A) and by adding the following as a new subdivision:

(B) "Injury" or "personal injury" includes a vaccine side effect resulting from an employer mandated immunization, vaccination, or injection for COVID-19.

SECTION 3. Tennessee Code Annotated, Section 50-6-102, is amended by adding the following as a new subdivision:

() "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;

() "Vaccine side effect" includes a side effect recognized by the federal centers for disease control and prevention discovered prior to, on, or after the date of an employer mandated immunization, vaccination, or injection for COVID-19 that occurs at a time after the required immunization, vaccination, or injection;

SECTION 4. Tennessee Code Annotated, Section 50-6-201, is amended by adding the following as a new subsection:

Within thirty (30) days after the first distinct manifestation of a vaccine side effect, the employee, or someone on the employee's behalf, must give written notice of the side effect to the employer in the same manner as is provided in the case of a compensable accidental injury.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

An employee of a private institution of higher education that manifests a vaccine side effect, as defined in § 50-6-102, may seek workers' compensation under title 50, chapter 6.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it. Section 1 is repealed on July 1, 2022, the public welfare requiring it.